

T H E
P arliamentary Register ;
O R
H I S T O R Y
O F T H E
P R O C E E D I N G S A N D D E B A T E S
O F T H E
H O U S E O F C O M M O N S ;

C O N T A I N I N G A N A C C O U N T O F

The most interesting SPEECHES and MOTIONS, accurate
Copies of the most remarkable LETTERS and PAPERS ;
of the most material EVIDENCE, PETITIONS, &c.
laid before and offered to the HOUSE,

D U R I N G T H E
F O U R T H S E S S I O N o f t h e S I X T E E N T H P A R L I A M E N T ,
O F
G R E A T B R I T A I N .

V O L . X X I .

L O N D O N :

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M.DCC.LXXXVII.

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THE HISTORY

OF THE
PROCEEDINGS AND DEBATES

OF THE
HOUSE of COMMONS,

In the FOURTH SESSION of the
Sixteenth Parliament of GREAT BRITAIN,

Appointed to be holden at WESTMINSTER

On TUESDAY the 18th of MAY, 1784.

Tuesday, 23d January, 1787.

THE Speaker being returned from the House of Lords, observed, that he had obtained a copy of the King's Speech, which he desired permission to read. The House having granted leave, he read as follows :

“ My Lords, and Gentlemen,

“ I HAVE particular satisfaction in acquainting you,
“ that since I last met you in Parliament, the tranquillity
“ of Europe has remained uninterrupted, and that all foreign
“ powers continue to express their friendly disposition to
“ this country.

“ I have concluded a treaty of Navigation and Commerce
“ with the Most Christian King, a copy of which shall be
“ laid before you. I must recommend it to you to take
“ such measures as you shall judge proper for carrying it
“ into effect; and I trust you will find that the provisions
“ contained in it are calculated for the encouragement of
“ industry and the extension of lawful commerce in both
“ countries, and by promoting a beneficial intercourse be-
“ tween our respective subjects, appear likely to give addi-
“ tional

“ tional permanence to the blessings of peace. I shall keep
 “ the same salutary objects in view in the commercial ar-
 “ rangements which I am negotiating with other powers.

“ I have also given directions for laying before you a
 “ copy of a Convention agreed upon between me and the
 “ Catholic King, for carrying into effect the sixth article of
 “ the last treaty of peace.

“ *Gentlemen of the House of Commons,*

“ I have ordered the estimates for the present year to be
 “ laid before you, and I have the fullest reliance on your
 “ readiness to make due provision for the several branches of
 “ the public service.

“ The state of the revenue will, I am persuaded, con-
 “ tinue to engage your constant attention, as being essen-
 “ tially connected with the national credit, and the prospe-
 “ rity and safety of my dominions.

“ *My Lords, and Gentlemen,*

“ A plan has been formed, by my direction, for trans-
 “ porting a number of convicts, in order to remove the in-
 “ convenience which arose from the crowded state of the
 “ jails in different parts of the kingdom; and you will, I
 “ doubt not, take such farther measures as may be necessary
 “ for this purpose.

“ I trust you will be able this session to carry into effect
 “ regulations for the ease of the merchants, and for simpli-
 “ fying the public accounts in the various branches of the
 “ revenue; and rely upon the uniform continuance of your
 “ exertions in pursuit of such objects as may tend still far-
 “ ther to improve the national resources, and to promote
 “ and confirm the welfare and happiness of my people.”

Viscount
 Compton

Viscount *Compton* now rising, observed, that he believed that it was scarcely necessary to remark with what sincerely patriotic joy every member of the House must have listened to an assurance from the highest authority, that the tranquillity of Europe had remained, and was likely for years to continue perfectly uninterrupted. He considered it as a proof of the growing wisdom and humanity of nations, who had discovered that it was not merely the most serviceable policy, but the most meritorious conduct, to introduce and impart permanency to the various felicities of peace. With equal pleasure would the House consider the just and liberal ideas which now prevailed throughout Europe with respect to commerce. Commerce could never exist under numerous and heavy restrictions. It was owing to our pre-
 judices

judices that restrictions had so long continued between England and France; two countries which of all the European nations, were the best situated for commercial intercourse. It must consequently be grateful to every lover of his country to find that these prejudices no longer existed, and that a treaty of navigation and commerce was concluded, which would not only promote industry, and increase our wealth, but secure to us advantages far more interesting to our humanity, by rendering permanent the blessings of peace. As to the transportation of convicts, it was a measure of absolute necessity, arising from the crowded state of the jails; and no penitentiary houses had been built, though an act had passed for their erection. Transportation therefore, was the only remedy for an evil which required immediate redress.

He trusted that the House would certainly agree, that no plan could be more useful than that of simplifying the public accounts in the various branches of the public revenue, and with equal readiness would they admit the importance of increasing the national resources. On this occasion, they would please to carry in their recollection that two events had taken place since their last meeting, in which all who had any personal attachment to their Sovereign, were deeply interested, the attempt upon his life, and the death of the Princess Amelia. It was therefore highly becoming in them to condole with His Majesty on the loss of his most excellent and illustrious aunt, and to join their congratulations to those of a grateful people, on an event which ascertained to him how much he was deserving of their affections. Whilst the House weighed all these circumstances in their minds, he felt the firmest confidence that they would unanimously support him in his motion, “ that an humble Address be presented to His Majesty, to return His Majesty the thanks of this House for his gracious speech from the throne:

“ To take the earliest opportunity of offering in our own name, and in that of all the Commons of Great Britain, our most hearty congratulations on the preservation of a life so justly dear to his people; and to express our sense of the peculiar favour of providence in averting the danger to which we were exposed, and rendering it only the occasion of manifesting, in the fullest manner, those sentiments of duty and affectionate attachment to his sacred Person, which are deeply rooted in the hearts of all His Majesty’s subjects:

“ To condole with His Majesty on the unfortunate death of that most illustrious and excellent Princess, His Majesty’s aunt, the Princess Amelia:

“ That we learn with great satisfaction that the tranquillity of Europe remains uninterrupted; and, that His

“ Majesty continues to receive assurances from all foreign powers of their friendly disposition towards this country :
 “ That we are sensible of His Majesty’s goodness in having directed the treaty of commerce and navigation with the Most Christian King, and the convention agreed upon with the Catholic King, to be laid before us : That both these events, particularly a measure so important and extensive as a commercial arrangement between this country and France, must be highly interesting to us, and our constituents, and that it will afford us the truest satisfaction to concur in any measure calculated for the encouragement of industry, and the extension of lawful commerce, and which, by promoting a beneficial intercourse between the two countries, shall appear likely to give additional permanence to the blessings of peace.

“ That His Majesty may rely on our readiness to make due provision for the several branches of the public service ; and that the state of the revenue, so nearly connected with the national credit, and the safety and prosperity, of His Majesty’s dominions, will continue to engage our unremitting attention :

“ That we shall be desirous of taking such measures as may be necessary for the transportation of convicts, in order to remedy the inconvenience which has arisen from the crowded state of the jails in different parts of the kingdom :

“ That we shall diligently apply ourselves to the consideration of any regulations which can be adopted for the ease of the merchants, and for simplifying the public accounts in the various branches of the revenue ; and that it will be equally our duty and inclination to use our utmost exertions in pursuit of such objects as may tend still farther to improve the national resources, and to second His Majesty’s gracious and paternal wishes for the welfare and happiness of his People.”

Mr. Montague.

Mr. *Montague* observed, that previously to his seconding the motion, he must beg the indulgence of the House, whilst he adverted to those parts of the address, which corresponded with the topics of His Majesty’s gracious speech from the throne. He wished to express his hearty concurrence with those sentiments of joy and congratulation which are so naturally excited by His Majesty’s late happy deliverance. Happy indeed might he call it, since the general horror and alarm had been fraught with no other consequence than the most earnest testimonies of the general love and veneration for his sacred person. Upon this interesting occasion, truly might he remark that, “ We felt for our own danger, we rejoice in our own preservation.”

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For his own part, he could protest that he derived some degree of confidence from the assurance that the present session was opened with the most joyful prospects of returning wealth and prosperity. He rejoiced that it was not his business to urge the House to renew the efforts of an unsuccessful war, or even to join in the acclamations of victory. He contrasted the uncertainty and destruction attending schemes of conquest with the solid advantages of peace and amity; the foundations of which were only to be laid on the basis of mutual advantage.

The House, he believed, would form a similar idea with himself of the losses to our trade by every successive war with France; of the weight of debt incurred by disputes with our rival neighbours, which nothing but the almost preternatural force of accumulated industry could surmount. The principle of the treaty, the expediency of the provisions, he left to be enlarged upon by those who were more competent to speak on such subjects; he expressed his own approbation, the result of what judgement he was capable of exercising on so extended a business. He enforced the necessity of such a treaty, at the present conjuncture, from the loss of our monopoly of the American market; and because the trading capital which had been forced towards that quarter by the extraordinary profits of the monopoly, must take some new direction. The present treaty only cleared and made free those channels through which the efforts of trade would tend to pass in spite of injudicious obstructions. He compared the monopoly of America to an annuity upon an uncertain ill administered fund, the trade to France to a fee simple, with prompt and constant payment. After mentioning the necessity of a simplification of the customs, he concluded his speech, by asking the House what was to be the consequence, if the present treaty received the sanction of Parliament? The triumph of the successful warrior, was followed by the exulting eyes and hearts of his fellow citizens; regardless of the hazards we have run, the dangers we have escaped, we think only of his services and his conquests; and should the laborious wisdom of political prudence, which reaches permanent ends without the intervention of chance, which secures the bloodless acquisition of endless wealth, the price of empire, the hope of public redemption, pass unnoticed, unpraised, unrewarded? Should the minister who enriches his country, inattentive to his own private emolument, be unrevered? No. To recompence a character so illustrious, reputation and glory should eagerly step forward; and if the patriotic father deservedly beheld the laurels thickening all around him, amidst the brilliant successes of those warlike enterprises which
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arose upon the basis of his sagacious counsels, not less abundantly should wreaths of olive gather about the person of his equally aspiring descendant, whom the rectitude of his heart and the force of his own abilities, each animated by the recollection of paternal instructions, and more by attachments to his country, had stimulated to the happiest cultivation of all the arts of peace.

The address was now read from the chair; and afterwards,

Mr. Fox.

Mr. Fox said, that on the present occasion, he should not hesitate to assure the House how thoroughly congenial with his sentiments were those of the speech, and consequently of the address. Indeed, he should have been exceedingly sorry had there been occasion for any difference of opinion respecting an address beginning with expressions of congratulation to his Majesty, upon an event, in the failure of which every man, of every party and description, both within and without those walls, must be of one and the same mind, and must cordially and sincerely join in the most heart-felt joy and satisfaction. He was glad therefore that the address had been so properly worded, that it did not call for opposition or objection of any sort, since without pledging the House to an approbation of the treaty of commerce, or to any future vote upon the subject, it barely returned thanks for His Majesty's gracious communication of the fact, and promised to consider it, when properly before the House, with the attention which a matter of such infinite importance well deserved. That being the case, and as from the subject of the early part of the address, it must be to be wished, that such an address should pass *nemine contradicente*, he assured the House that he would not object to it, and that, in all probability, he should have contented himself with giving his silent vote to the question then before the House, had not something fallen from the noble Lord and the honourable gentleman, who moved and seconded the address, and particularly from the latter, that looked so like grasping at general principles, as the principles upon which the commercial treaty was to be maintained, that he thought it necessary to rise then, and in as few words as possible, take some notice of those principles, which he would do in a general manner, without entering at all into detail upon the treaty, which he was well aware was neither properly before the House, nor then under discussion, but which he should give his sentiments upon at a future opportunity.

On the present occasion both the noble Lord, and the honourable gentleman who moved the Address, had contrasted the uncertainty of war with the solid advantages of peace, and the substantial benefits of commerce with the destructive

destructive means of conquest, as if it were a fact that this country had ever gone to war for the sake of extending dominion, or gratifying a lust of power; and an inordinate ambition. He could assert that all knew, beyond the shadow of a doubt, that the fact was directly the reverse; and he flattered himself, that the House would give him credit for possessing at least sufficient English spirit to induce him to stand forward in the vindication of his country, and before the present assembly advance a positive affirmation (which he would utter, could such an opportunity arise, in the hearing of every national assembly upon earth) that throughout the course of all our late, if not of all our earliest wars, Great Britain had never drawn the sword either in obedience to the dictates of wild ambition, or for the purpose of augmenting by victory the extent and multitude of her dominions. On the contrary, so often as she sent her armies into the field, or covered the ocean with her fleets, her military and her naval enterprises originated from an indispensably requisite principle of self-defence, or from the view of sheltering the tyrannically-invaded liberties of surrounding and even distant states; thus preserving, from every attempt dangerously to incline it to either side, the balance of power, and of course, checking the inordinate pride of France and her alarming efforts to grasp at the government of all the nations of the European quarters of the globe. Whosoever consulted the history of this country, must unavoidably discover this to be the true state of the case; he therefore denied, in the most unequivocal manner, that any insinuations to the prejudice of this country, as if she had heretofore gone to war for the mere sake of triumph and of conquest, had any the smallest foundation in truth. Every man knew, that peace was preferable to war; commerce preferable to conquest; it would be highly preposterous to advance an opposite opinion; and upon that principle had the government of this country been uniformly conducted for the last century. Concerning the treaty with France, he had not yet made up his mind; nor was it possible for him ultimately to decide upon it, until the treaty was not only properly before the House, but until he had heard from His Majesty's Ministers a full explanation of the real character of the measure. He was not yet aware whether it was to be considered as a treaty having a political tendency, and calculated to operate in the manner of an alliance with France, or whether it was to be considered as a treaty merely, and as having no other effect than the establishment of a commercial intercourse with the neighbouring kingdom. In one or other of these lights the treaty must have been made, and in one or other of these lights must Ministers

ters mean that it should be regarded; but then it could be considered in one of these lights only, and not in both. One of them must be denied, and the other avowed; one defended, and the other disclaimed. But not meaning to go into the treaty then, and not having the information that Ministers possessed, it was not in his power to say which of the two descriptions was the proper one; but thus much he was willing to say beforehand, and without any farther information on the subject, that he should be much better pleased if Ministers were to declare that they meant it merely as a commercial treaty, and that France understood it as such, and as such only. In that case Ministers would have to prove, that it did not provide a new channel of commerce at the expense of all the other ancient channels, which this kingdom had long been in possession of, and which had been found to be sources of commercial wealth and prosperity. If, on the other hand, Ministers avowed that the treaty was meant by them as a political measure, and that they had in view that sort of connection that should render it more difficult for France and this country to go to war than heretofore, they then would have to shew strong and satisfactory reasons for their having pursued and concluded a measure so new in the annals of this country, and of such infinite magnitude and importance.

On the present occasion, he must intreat the House to call to their remembrance that France had only changed her means, but not her end. Her object had uniformly been the same, though her system of acting was different. In the reign of Louis the Fourteenth, the aim of France was open and avowed; the means she employed to attain her end, offensive, arrogant, and shameless. She had seen her error, and acted upon principles of a wiser policy; her means were now mild, more amiable, more benevolent. They did her humanity credit; they allured, they conciliated, they worked her purpose secretly, but securely. Formerly oppression and power were her engines; engines offensive to all who beheld their unjustifiable exercise, and such as could not fail to rouse general indignation, and animate to resistance every power that had a spark of spirit, of generosity, or of goodness in its composition. Hence the weak found advocates, the oppressed protection; and hence the daring attempts at universal monarchy, made by Louis the Fourteenth, were opposed, baffled, repelled and frustrated! What was the engine with which France operated her wished-for end at this time? Influence! that secret and almost resistless power; that power with which ambition gains its purpose, almost imperceptibly, but much more effectually than with any other! At this time too, it ought to be recollected,
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that Louis the Sixteenth possessed abundantly more power than ever Louis the Fourteenth could boast of, and that superiority, great as it was, would, in all probability, be considerably heightened very shortly. At such a moment then, was it right to enter into a connection by treaty with the Most Christian King? How was it to be accounted for, but by supposing that there were in this country some men so dazzled with the splendour of Louis the Sixteenth, so conscious of the eminence of power which France had lately attained, that they sunk before it, and, lost in their own dependency, thought it right for us, diminished as our splendour was, in comparison with the aggrandizement of our continental neighbour, to seize the earliest moment of making terms with her, forming a connection by treaty, and by that means artfully securing a claim to her protection. Far was it from him to intend to charge the right honourable gentleman opposite to him with entertaining such abject opinions, or with thinking of abandoning all expectation of the possibility of France's being once more humbled; but, he was persuaded, there were men in the country, so lost to the memory of its former greatness, as to feel in the manner he had mentioned, and to advise and act upon the littleness of their own minds.

Administration must, under the present circumstances, permit him to inquire upon what ground it was possible the most rationally to account for the sudden civility which we experienced from France? Was it to be considered as a proof of her moderation? Had she entered into the treaty with a view to give the lie to the old and rooted opinions of philosophy, that it was a principle inherent in human nature to be eager to acquire more, in proportion as a great deal more than could have been expected, was already acquired? Did she mean to clear up her character at once, and do away the libellous charge so long alledged against her, that she was actuated by overweening ambition, and an insatiable thirst after extension of power? Glorious conduct, if such was its principle and its motive! Matchless self-denial! to abjure the acquirement of almost irresistible power, when it was rendered so easy. But could any man in his senses believe in the splendid illusion? Could any statesman think that moderation, at a moment when moderation seemed the least necessary, was the real and true motive that had induced France to put us in a state that had the appearance of rendering all future hostilities between her and Great Britain almost impossible to happen. Let those, who thought so, recollect, that paradoxical as the assertion might appear, the cabinet of France had been the most consistent in its conduct of any that ever existed. Notwithstanding the ge-

nius and character of the French, as a people; notwithstanding the levity of their manners, the fickleness of their minds, the constitutional mutability of their conduct, the cabinet of France, as a cabinet, had uniformly acted upon the same principle, aiming at the same end, and only changing the means of attaining that end, as the necessity of the times, and as the suggestion of a wiser policy dictated. If Ministers supposed that France acted upon a principle, of sincerity and friendship towards us, let them point out the proofs of that friendship. The way to judge of the friendly intentions of those with whom we negotiate, was not by looking to the manner of their negotiating with us, but their conduct with other powers, as far as it regarded our interests. Ministers might be said, to be in the honeymoon of their connection with France. Had they, during that period, felt the influence of France greatly operating in our favour with those powers with whom we were negotiating treaties? Did it manifest itself in the Court of Portugal, in the Court of Spain, and in the Court of Peterburgh? Were the symptoms of it strongly traceable at any one of these Courts? Where else was a symptom of it to be found? At this time France, that formerly was celebrated for having the most powerful army of any European power, had an army, the fourth only upon the Continent; Prussia, the Emperor, and Russia, had much greater armies. What was the reason of this? The reason was obvious; France relied on her security on other means of defence—on the influence she possessed with the neighbouring powers, and the alliances she had formed. Those circumstances enabled her to diminish her land-force, to reduce her army, and direct all her attention to her marine. Was her doing so a favourable symptom to this country? Did it indicate any extraordinary proportion of partiality towards Great Britain. The honourable gentleman who had, with infinite ability, and so highly to his own credit, seconded the address, had laid down a position, the language of which was more elegant, than the sentiment, he feared, was just. He had said, that in abandoning the monopoly of our trade with America, and opening a commercial intercourse with France, we gave up a precarious and ill paid annuity for a fee simple, with prompt and constant payment. The expression was captivating, and the style beautiful; no wonder, therefore, that the House appeared to feel it, and gave tokens of their satisfaction. But was the position true? Could the benefits that might result from our commercial intercourse, whatever they might turn out, be compared to a fee simple, with prompt payment? Surely not. What was to ensure us the stability and permanency of peace? A

commercial treaty with France! No means; Mr. Fox said, appeared to him less likely to procure such an effect. Instead of a fee simple, with constant payment, the more apt comparison would be an annuity, the payment of which was liable to frequent interruption. Did history encourage us to expect a long duration of peace, or were we weak enough to imagine that France, from her present enjoyment of uncommon power, was therefore less likely to break with us? Let former precedents teach a better prudence. Refer to the records of the best and most authentic historians, and it would be found, that France was most inclined to preserve peace, when she was most humiliated and degraded. This country had been often charged with having borne herself arrogantly and dictatorially, after the close of a triumphant war; but had it ever been said, that success checked the pride, or reduced the overweening ambition of France? Past experience proved, that whenever France saw this country weak, and thought her incapable of effectually resisting, she seized the opportunity, and aimed at effecting her long-desired destruction. What prompted her to commence her hostile attacks at the beginning of the war preceding the last? The occasion was flattering, it promised easy success, and the opportunity was irresistible. A similar opportunity would doubtless produce similar consequences. It was idle therefore to suppose that France, who had really had such frequent reason to consider Great Britain as her most powerful rival, and had received so many checks from her, that she had long wished to annihilate her as a state whose enmity was to be dreaded, would all on a sudden forget her resentment, and just at that moment when there appeared to be the least rational motive to prompt her to abandon a purpose she had long and uniformly endeavoured to achieve.

In the speech from the Throne it had been graciously declared, that a copy of the treaty should be laid before the House. That instrument alone, he believed, would neither enable the House nor him to form any decision upon the propriety of the treaty. Before the House could justify any vote upon the subject, they would undoubtedly expect to hear from His Majesty's Ministers, the state of the various other treaties at this time negotiating. At present, there were more in agitation than this country, perhaps, ever had in hand at one time, the treaty with Russia, the treaty with Spain, and the treaty with Portugal. As Ministers had, a twelvemonth ago, boasted of the facility with which the treaty with Russia might be brought to a conclusion, he presumed, that it either was concluded, or so near conclusion, that it might fairly be considered the same as concluded; he would therefore say nothing upon this particular

part of the subject. But it was material to know in what situation the treaty with Portugal stood. Perhaps the present treaty with France virtually annulled and abrogated the treaty with Portugal, commonly known by the name of the Methuen Treaty. It was also important to know how the treaty stood with Spain; because, if the House meant to act as statesmen on the occasion, it was impossible for them to come to any warrantable decision respecting the treaty with France, without being fully apprized of the relative situation of every other existing treaty, or treaty at present negotiating. Possibly the present connection with France might operate to the destruction of all our former connections with other powers so far, that when, at a future period, France might think it worth her while to break with us, we should find ourselves destitute of friends, and universally abandoned. Two years had been given in the definitive treaty as the period, by the end of which a commercial treaty with France was obliged to be concluded, clearly that Ministers might have time to look about them, to see how old treaties stood with other powers, and to conclude such new ones as appeared most likely to conduce to the interest of Great Britain, before they entered into any treaty with France.

He said, he might possibly be misrepresented both at home and abroad, as a man so far prepossessed by illiberal and vulgar prejudices against France, as to wish never to enter into any connection with her. Be that as it might, he should not easily forget that those prejudices against France, and that jealousy, which had for years prevailed of her ambition, had been productive of no bad consequences to this country; on the contrary, that the wars grounded on our alarms at her stretches after inordinate power, and the jealousy which we had entertained of her desire to overturn the balance of power in Europe, had made this country great and glorious. He adverted to the peace of Utrecht, and talked of the bugbear that the Ministers of that day had set up to frighten the people into a belief that peace was absolutely necessary; the probability of the House of Austria's acquiring an improper share of power. He alluded also to the circumstances that characterized the history of Holland, and its present situation and future prospects.

With respect to the convention with Spain, for carrying into effect the sixth article of the treaty of peace, he must confess, that he did not see, nor could he admit the necessity for entering into any such convention: the article was sufficiently intelligible, and had ever appeared so to him, though he was aware there had been some doubts stated respecting its proper construction. The country to be evacuated

cuated under the convention, was a part of the Musquito coast, that never had, before the treaty, been considered as belonging to the Crown of Spain, and instead of being a mere spot for the cutting of logwood, it was an actual British colony. To oblige the inhabitants and settlers, therefore, to evacuate it by February, would be an act of the most horrible injustice, because it would be to oblige them to quit their possessions before they could reap the fruits of their industry, which must in that case be left in the ground. And for what purpose could such a cession have been made? He should have supposed, that if England had a treaty in hand with the Court of Madrid, and a cession to make which that Court was desirous of having made to her, it would have been political to have holden back the boon that Spain was anxious to obtain, till after the objects of our wishes, as stipulated for in the treaty negotiating, were complied with. Possibly the cession was made beforehand, in order to put Spain in a humour to grant us what we wanted with the greater cheerfulness. For his own part, he joined most heartily in the congratulations of His Majesty, on an event that nothing but the phrenzy of a lunatic could have induced, and which it became the character of the nation to act upon, exactly according to which they had so sagaciously proceeded. In conclusion, Mr. Fox repeated his determination to give his affirmative to the address. •

Mr. Chancellor *Pitt* expressed his heartfelt satisfaction at discovering that his sanguine expectations that the House would meet the motion for an address with their unanimous concurrence, were answered in the fullest manner. It would, indeed, have been singularly unfortunate, if an address, commencing as that now under discussion commenced, with the congratulations of the House on his Majesty's late most fortunate escape, from an attempt so pregnant with misfortune and ruin to the country, should be carried otherwise than with one concurring heart and one concurring voice. He was sure no gentleman could be justly considered as the true representative of any part of his constituents who could hesitate a moment on the vote which he should give. He had equally expected that every other part of the address would meet with unanimous consent; but he confessed he had not looked for such arguments in support of that unanimity as the right honourable gentleman had thought proper to use. He supposed he must impute it to his own want of clearness and comprehension; but he must allow, that, as far as any thing that had fallen from the right honourable gentleman could have any effect on his mind, it would be to induce him to negative a considerable part of the address: for the right honourable gentleman had set out with declaring his intention

Mr. Chan.
Pitt.

to acquiesce in the motion; and though he had, in the conclusion of his speech, repeated his intention, yet the whole of the intermediate part of what he had said, went to combat and oppose the principles of the very measure which he declared himself ready to support. The right honourable gentleman had begun with acknowledging what no man but himself could well think of denying, "That the position of his honourable friend who seconded the motion, that peace was preferable to war, and commerce more desirable than conquest, was substantially reasonable and true;" and yet he had, with the most elaborate eloquence, endeavoured to prove the direct reverse of each of those propositions. He had laboured also with great and unnecessary pains to vindicate this country from the imputation of a too great readiness to engage in schemes of ambition and conquest, and to neglect her commercial concerns, and those benefits that might be derived from peace; but there was no occasion for any such vindication, because the treaty went only to carry into effect the principles of that pacific disposition which the right honourable gentleman had attributed to the general politics of this country, and not to impede and disturb them. The right honourable gentleman had, in the opening of another part of his argument, taken great pains to clear himself of the imputation of being governed by vulgar and illiberal prejudices. Such a vindication of himself was surely unnecessary; for, as to illiberal prejudices, no person could charge them on a man of his experience and understanding, and there was no ground whatsoever for accusing him of vulgar prejudices, as his opinions were so far from being vulgar, that he believed he was the only person in the whole kingdom who entertained them. Might he take the liberty to ask the right honourable gentleman, whether, when using the word *jealousy*, he was desirous of recommending to this country such a species of political jealousy as should be either mad or blind, such a species as should induce her either madly to throw away that which was to make her happy, or blindly to grasp at that which must end in her ruin? Was the necessity of a perpetual animosity with France so evident and so pressing, that for it we were to sacrifice every commercial advantage we might expect from a friendly intercourse with that country, or was a pacific connection between the two kingdoms so highly offensive, that even an extension of commerce could not counterpoise it. For his part, he could by no means join in opinion with the right honourable gentleman, that the situation of Great Britain and France was such as precluded the possibility of an intercourse; but he was sure if such intercourse was not absolutely impracticable, the treaty now depending was the most likely of any measure

to effect it, as it was such a one as would make it the interest of each nation to cherish and preserve the connection, and would so essentially implicate and unite the views and convenience of a large part of each kingdom, as would ensure as much as possible the permanence of the system about to be established. The right honourable gentleman had triumphantly foretold the overthrow and interruption of this project, should it ever be brought into execution, and had attributed such an event to the overweening ambition of France. He would not take upon himself to answer for the duration of any arrangement whatsoever that could be overturned by the caprices, the errors, or the passions of mankind. He would not say that nations, as well as individuals, might not, as they frequently had done, become subject to the weaknesses inherent in human nature: those imperfections might probably, at one time or other, mingle in the resolutions and discussions of the Legislature or Councils of either kingdom, and undo what, he flattered himself, was now nearly perfected by the good sense and wisdom of both. How soon such an event might take place he could not possibly foresee; but if war was the greatest of evils, and commerce the greatest felicity which it was possible for a country to enjoy, all which, though contrary to the right honourable gentleman's opinion, he believed, was the general sense of the nation, then it became the duty of those to whom public managements were entrusted, to endeavour as much as possible to render the one permanent, and to remove the prospect of danger to the other. This was the object of the present treaty; for so great were the advantages likely to arise from it, that they would not only strongly operate on the minds of every succeeding Administration to avoid a war as long as it could be avoided with honour and prudence, but would also strengthen the resources of the country towards carrying on a war whenever it should become indispensably necessary to engage in one. This was the true method of making peace a blessing; that while it was the parent of immediate wealth and happiness, it should also be the nurse of future strength and security. The quarrels between France and Britain had too long continued to harass not only those two great and respectable nations themselves, but had frequently embroiled the peace of Europe; nay, it had disturbed the tranquillity of the most remote parts of the world. They had, by their past conduct, acted as if they were intended by nature for the destruction of each other; but he hoped the time was now come when they should justify the order of the universe, and shew that they were better calculated for the more amiable purposes of friendly intercourse and mutual benevolence. There were many parts of the right honourable gentleman's

speech,

speech, to which, for the present, he should give no answer, as the only proper and regular method for the right honourable gentleman to obtain the information he required, would be by moving for an address to His Majesty to lay such information before the House; and as to other parts of the right honourable gentleman's inquiries, he could refer him to a much better authority than that which he had called for—the authority of his own senses. The treaty itself was the best source of information on these questions. The right honourable gentleman would there see how far the connection to be formed between the two countries was to be considered as political, how far as barely commercial; but, for his own part, he confessed that he could not conceive a commercial intercourse between any two nations that must not necessarily have a powerful effect on their political conduct towards each other. The right honourable gentleman, when Secretary of State, had himself recognized, and acknowledged the necessity of renewing and strengthening our commercial intercourse with France; nay, he had actually, by an express article of the definitive treaty, bound down the country to make a commercial treaty with France in the course of two years, and the English Ambassador, at that time (the Duke of Manchester) had taken active steps to bring the French Ministry into such a scheme. But if it was the intention of the right honourable gentleman to have proposed such a plan as he now seemed to think the only proper one, a plan of a commercial arrangement, that should not create an interest in either nation to maintain and render it permanent, such a one as should not be considered by either as equally desirable with a state of hostility and war; if such was his plan, and it was evident that he would not have approved of a different one, he had then acted but prudently in destroying all traces of it, and in taking care not to leave any copy of so very notable a project in his office behind him.

The right honourable gentleman had called upon him to give an account of the part that the French Court might take in the different negotiations now carrying on by us with other countries. On that subject he should not think himself bound to give any answer whatsoever, much less would he undertake to account for and explain the different arrangements which the King of France might think proper to make in the various departments of his establishments and expenditures. With respect to the state of our negotiations with Portugal, that not being a question before the House, nor proper to come before it at present, except in consequence of an address regularly moved and voted by that House to be presented to His Majesty, he should by no means enter into it; but if any gentleman should desire to know

know how far our connection with Portugal was likely to be affected by the French treaty, he should then think himself bound to satisfy him by one or the other of the following answers, either that the connection would not be at all affected, or that we were left at full liberty, by the terms of the present treaty, to carry into effect the spirit of the old subsisting treaties with the Court of Portugal. The fact was, that the latter was the case; but he should not hesitate to say, that when the Court of Portugal shewed herself entitled to receive such a benefit at the hands of Great Britain, he should be ready to concur in granting it; but as long as the Court of Portugal continued to withhold from us our proportion of the mutual advantage provided for both nations by the Methuen treaty, as she had done for many years past, so long he should think it the duty of Administration to suspend the execution of that part of the French treaty that left us at liberty to secure to the kingdom of Portugal a continuance of that favour which she had hitherto enjoyed, but to which her present conduct seemed but little to entitle her.

He felt no inconsiderable pleasure in perceiving, that, notwithstanding the right honourable gentleman had, with so much zeal and vehemence argued against the address, yet that he was willing to vote for it, and he hoped that he would continue to use the same conduct through the session with which he had begun it; for, if the right honourable gentleman should make it his practice to vote always in direct opposition to his own speeches and arguments, there was good ground for expecting a greater degree of unanimity than otherwise could be looked for.

There was one object more on which he should only say a few words, and this was the cession of the Matquito shore to the Crown of Spain. Should that measure at any future time be regularly called in question by the right honourable gentleman, he should be able to meet him at a great advantage, as he should enjoy the power of combating the right honourable gentleman on his own grounds. The right honourable gentleman, when in office, and at a time when claims were made by the Crown of Spain upon those territories at the period of the peace, then entered into agreement that they should be ceded to that Crown as soon as a certain equivalent should be given. That equivalent had been now adjusted, and it was attended with many advantages, that at the time of making the agreement had not been stipulated, but which the Crown of Spain had been prevailed upon to grant; so that instead of a concession on our part, it would be found to be a very beneficial exchange.

Mr. Fox answered, that the right honourable gentleman had, throughout his speech, endeavoured to represent his

conduct in having directed the negotiation of the definitive treaty, which, in one of its articles, bound this country to make a commercial treaty with France in two years, as if the preliminaries which that definitive treaty ratified and confirmed had been preliminaries of his negotiating. The fact notoriously was, that he had greatly disapproved of several of those preliminaries; but had he equally disapproved of all of them, he should have considered it to have been his duty to have had them ratified by a definitive treaty, because he thought the honour of this country required that the promises held out to France by the preliminary treaty should be fulfilled. With regard to the sixth article of the treaty with Spain, that stood in a similar situation. He found it negotiating when he came into office, and he was therefore obliged to complete it. As to what the right honourable gentleman had said of his project of a commercial treaty with France, he should, at a fit opportunity, feel no difficulty in meeting him on that ground; and in answer to the right honourable gentleman's plausible argument on the subject of employing the time of peace by improving our resources, and his assertion that the commercial treaty with France was likely to prove a nursery and a source of the means of war, he begged him to recollect, that as France was to participate equally in all the advantages resulting from the commercial intercourse, the treaty would prove a nursery and a source of her means of war as well as of ours. Upon this ground, therefore, the acquisitions on either side were equal.

The question was then put, and the address carried unanimously.

Mr. Burke afterwards gave notice, that he would renew the subject of the impeachment of Mr. Hastings on Thursday se'nnight.

The House adjourned to this day.

Wednesday, 24th January.

No material debate occurred.

Mr. *Sheridan* having prefaced his observations, by intimating to the House that he had heard, that, on the preceding Tuesday, when the necessity of attending to some business in the country had obliged him to delay his appearance in the execution of his parliamentary duty, notice had been given by a right honourable friend, that the charge relative to the Princesses of Oude would be brought forward on the ensuing Thursday, remarked, that he rose to say, that having himself conceived, that Monday se'nnight was the intended day, and having informed several members who were yet in the country, that the business would not be brought on before

fore Monday se'nnight, he desired not to change the day, but to let the House understand, that, on Thursday next, he wished to call Mr. Middleton to the bar to explain a few points in his evidence, respecting which, as they stood at present, great doubts might arise, and which doubts nothing but a few questions put to Mr. Middleton could clear up. His right honourable friend did not mean himself to interrogate Mr. Middleton, but the whole would rest on the few questions which he (Mr. Sheridan) thought it absolutely necessary to put to Mr. Middleton, which would not detain that gentleman at the bar above half an hour; and he should, on Monday se'nnight, be prepared to bring forward the business of the charge; but, that no time would actually be lost by this mode of proceeding, as his right honourable friend would be ready to come forward with another charge on Thursday in the same week. Mr. Sheridan added, that if there were any serious objection to calling Mr. Middleton again to the bar, he would wave his motion for his attendance on Thursday; but as the questions which he wished to put to that gentleman were really important, and would take up but very little time, he hoped there would not be any objection. Under this idea, he should therefore beg leave to move, "That Nathaniel Middleton, Esquire, do attend the Committee of the whole House on India affairs on Thursday next."

Major *Scott* rose, and trusted that it was generally understood, that the charge respecting the Princesses of Oude would actually be brought forward next Monday se'nnight, and another charge on the Thursday following.

Mr. Chancellor *Pitt* remarked, that if the accusations intended to be advanced were likely to introduce as much detailed matter as some of the former charges against Mr. Hastings, and to occupy as much of the time of the House, very little of the week indeed would remain for the dispatch of other material public business; and therefore, was it his design to have embraced an opportunity, in the course of the next week, to have submitted it to the decision of the House, what day in the week following would be the most convenient for taking the copies of the treaty of navigation and commerce with the Most Christian King, and of the convention with the Catholic King, into consideration. These treaties were matters of infinite importance to the country; the Public had been apprised of their having been concluded, especially the first of them, for a considerable time; and it was highly necessary that as early a day as the convenience of the House would admit, should be fixed on for their discussion. He therefore hinted it to gentlemen, that it might not be proper for two of the Indian charges to be brought

Major Scott
Mr. Chancellor Pitt.

forward in one and the same week; and concluded with declaring, that he did not mean to object to Monday next as one of the days, but that it would depend on the future arrangement of business, whether he should or should not object to the Thursday.

The question was then put and agreed to.

The Speaker expressed his wishes that the House would please to settle the order of balloting for Committees to try election petitions. He stated what had been the practice and rule of proceeding in every session since the last general election, reciting the inconveniencies and confusion it had been attended with, and also its advantages, and submitting it to the House, whether they would proceed as heretofore, by taking them in the order, and according to the time of the petitions being delivered in at the table, or otherwise. The matter being settled as heretofore, two election petitions, one from Norwich, and the other from Carlisle, were delivered at the table, and the Committee to try the first appointed to be balloted for on the 13th, and the Committee to try the second appointed to be balloted for on the 15th of February. Several petitions relating to undue returns and other matters were presented, and afterwards, when the Speaker had taken the chair, he reported His Majesty's answer to the address of that House moved on Thursday last, which was as follows:

“ Gentlemen,

“ I thank you for this very loyal and dutiful address.

“ The warm expressions of your affectionate attachment to my person, and the assurances of your intention to apply with diligence to those interesting objects which I have recommended to your consideration, afford me peculiar satisfaction,”

The House adjourned.

Thursday, 25th January.

The House not entering upon this day into any debate, waited upon the King with the following address:

The humble address of the House of Commons to the King.

“ *Most Gracious Sovereign,*

“ We, your Majesty's most dutiful and loyal subjects, the Commons of Great Britain, in Parliament assembled, beg leave to return your Majesty our humble thanks for your most gracious speech from the throne; and to take the earliest opportunity of offering to your Majesty, in
“ our

“ our own name, and in that of all the Commons of Great Britain, our most hearty congratulations on the preservation of a life so justly dear to your People. We entertain a just sense of the peculiar favour of providence in averting the danger to which we were exposed, and rendering it only the occasion of manifesting, in the fullest manner, those sentiments of duty and affectionate attachment to your sacred person, which are deeply rooted in the hearts of all your Majesty’s subjects.

“ We condole with your Majesty on the unfortunate death of that most illustrious and excellent Princess, your Majesty’s aunt, the Princess Amelia.

“ It is with great satisfaction we learn that the tranquillity of Europe remains uninterrupted; and, that your Majesty continues to receive assurances from all foreign powers of their friendly disposition towards this country.

“ We are sensible of your Majesty’s goodness in having directed the treaty of commerce and navigation with the Most Christian King, and the convention agreed upon with the Catholic King, to be laid before us. Both these events, particularly a measure so important and extensive as a commercial arrangement between this country and France, must be highly interesting to us and our constituents; and it will afford us the truest satisfaction to concur in any measure calculated for the encouragement of industry, and the extension of lawful commerce, and which, by promoting a beneficial intercourse between the two countries, shall appear likely to give additional permanence to the blessings of peace.

“ Your Majesty may at all times rely on our readiness to make due provision for the several branches of the public service; and the state of the revenue, so nearly connected with the national credit and the safety and prosperity of your Majesty’s dominions, will continue to engage our unremitting attention.

“ We shall not fail to take such measures as may be necessary for the transportation of convicts, in order to remedy the inconvenience which has arisen from the crowded state of the jails in different parts of the kingdom.

“ We shall diligently apply ourselves to the consideration of any regulations which can be adopted for the ease of the merchants, and for simplifying the public accounts in the various branches of the revenue: And it will be equally our duty and inclination to use our utmost exertions in pursuit of such objects as may tend still farther to improve the national resources, and to second your Majesty’s gracious and parental wishes for the welfare and happiness of your People.”

Monday,

Monday, 29th January.

Immediately after the presentation of copies of different orders, of private bills, and of petitions,

Mr. Minchin.

Mr. *Minchin* rose, and having observed that the right honourable gentleman who presided at the head of affairs, did, upon a former occasion signify to the House his determination to embrace an opportunity of naming as early a day as possible for the consideration of the treaty of navigation and commerce concluded with France; added that as he conceived that treaty to be only one part of a commercial system adopted by Government for the benefit and advantage of this country, and that our commerce and trade with Portugal was also a necessary and material part of that system, he wished to know what the state of our trade with that country had been for the last ten years, before he was called upon to give a vote either of approbation or disapprobation of the treaty with France. With regard to himself, he should ingenuously confess, that actually he neither knew nor pretended to know, what the situation of our trade with Portugal, with respect to our export of woollens, and our import of Port wines was at present; but as he felt an eager desire to get out of the state of ignorance in which he stood as soon as possible, he would move, that "An account of the quantity of woollen goods exported from the port of London to Portugal, between the 1st of January 1777, and the 1st of January 1787, be laid before the House."

Mr. *Fox* seconded the motion.

Mr. Chancellor Pitt.

Mr. *Chancellor Pitt* expressed his hopes that the House would do him the justice to believe, that he did not entertain even the most distant intention of objecting to either the present motion from the honourable gentleman, or to any other motion which might be thought likely to afford necessary information, but he greatly feared that the object of the honourable gentleman would be by no means satisfactorily answered, were the motion carried. Before the House came to the consideration of the commercial treaty concluded with France, it would be proper and absolutely necessary for a great deal more information with respect to the trade with Portugal to be laid before them, than the present motion was likely to reach. It was indeed his intention to lay all the information upon the subject which His Majesty's ministers could obtain, before the House, and that as early as possible. Gentlemen were not unapprized that a treaty was at this moment in negotiation with the Court of Portugal, and that it was daily expected that the person who was well known to have been some time absent from London

London upon that business, would either return or send home such intelligence as would enable His Majesty's servants to do their duty in this respect. In order the more fully to ascertain the true state of the trade of this country with Portugal, the gentleman sent to negotiate the pending treaty, was instructed to exert his utmost endeavours to get at that object, and the better to attain the end desired in this respect, the factory in Portugal had been written to, and called upon to furnish all the information they could give upon the subject, and as soon as the gentleman now abroad returned, or the dispatches came, he would lay the intelligence before the House. Thus all the possible lights would be given that the nature of the case would admit of, and thus the House would be in possession of much fuller information than could be expected to be derived from any papers which the Custom-house could furnish in consequence of the present motion. Those gentlemen who were conversant at all with Custom-house returns to the orders of that House, could not be strangers to the imperfect and unsatisfactory manner in which those returns were generally made up, and the very slender degree of information they afforded. If it should so happen, that the expected accounts of the state of the trade with Portugal should not arrive in time, it was to be remarked, that this country had it in her power to continue to Portugal the advantages in point of trade, that she had till this time enjoyed, even after Parliament should have come to a resolution, approving of the commercial treaty with France. Notwithstanding that for the reasons he had mentioned, he rather wished that the honourable gentleman would not press his motion; yet he could have no objection to that or any motion which might be deemed necessary, or thought likely to afford the House the smallest degree of information. Persuaded that the object was of the utmost magnitude and of the highest consequence, he truly felt the impossibility of being too diligent and expeditious in supplying the House with every species of intelligence whatsoever.

Mr. Fox said, that when he felt how congenial the former Mr. Fox. part of the observations of the right honourable gentleman, was with those sentiments which he himself had entertained, he could not avoid lamenting over (what seemed to be the case, unless his ears deceived him) their difference of opinion with regard to the general close of his remarks. In the former part of the right honourable gentleman's speech he had conceived him to admit, that before the House would be competent to come to any vote of approbation of the commercial treaty with France, it would be absolutely necessary for them to have before them all the information possible,

possible, relative to the present state of our trade with Portugal, and with that view he had understood the right honourable gentleman to have wished the motion not to be pressed. His objection to the motion, Mr. Fox said, was, that it really could not produce the information wished for. Custom-house returns, to the orders of that House, to say the truth, produced, for the most part, a sort of information scarcely good for any thing; but even were it likely for those returns, in the present case, to be made up with unusual exactness, it was impossible that the information they afforded, could throw any material light upon the extent of the trade of this country with Portugal, because the returns of the Custom House of the port of London could not, in his mind, comprehend one half, nor one third, nor scarcely a fourth of the whole of the trade between Great-Britain and Portugal. With regard to what the right honourable gentleman had said in the latter part of his speech, as to its being proper for that House, in case of the failure of the arrival of the information expected by His Majesty's Ministers from Portugal, to proceed to a resolution of approbation of the commercial treaty with France, there he must differ with the honourable gentleman altogether. He meant not at that time to forestall a future debate, or to enter prematurely into the discussion of subjects which had better be referred for a fitter time; but he could not too eagerly declare, that before he could make up his mind upon the French treaty, which in effect implied, or rather amounted to a breach of the treaty with Portugal, commonly called the Methuen treaty, he must know how the trade between this kingdom and Portugal stood. That a treaty was pending with Portugal was well known, and report said, that it was near being brought to a conclusion, but terminated it must be one way or another, and that House ought to know that it was so, before they decided upon the treaty with France. Would any man pretend that the two considerations were not complicated and involved in each other, and that the two treaties which subsist between this country and France, and that between this country and Portugal, did not bear a relation to each other? Would not the right honourable gentleman himself feel ashamed, and think it a reproach were it to be imputed to him, that, as one of His Majesty's Ministers, he had entered into, and concluded a commercial treaty with France, without attention to our trade with Portugal. Far be it from him to harbour for a moment, even a thought so injurious to the right honourable gentleman's ability and sense of the duties of his station. That being the case then, and it being undeniable that the treaty with France and the treaty with Portugal

bore a relation to each other, it was absurd for any man to contend that the House could decide upon the one without knowing all the bearings and tendencies of the other.

Mr. Chancellor *Pitt* answered, that although not in the least more inclined than the right honourable gentleman, to make the commercial treaty a point of immediate discussion, yet if there were any leading parts as to the propriety of the day on which they ought to enter into the investigation of it, the nature and extent of the information they ought to have before them, previous to their discussion of it, or any particulars likely to affect the turn of the debate, he should think it for the general accommodation of the House to have those points settled and decided on a day prior to the day of the main debate; and therefore if any gentleman had any doubt upon his mind of the description to which he had alluded he should be glad to know it, that when he submitted to the House the day on which he should wish the treaty to be taken into consideration, a day might at the same time be fixed for the discussion and decision of such doubts. As in a commercial treaty there were necessarily various articles of detail, which required to be ultimately settled by a convention negotiated subsequent to the treaty, such a convention had been concluded; but as the ratifications of it had been but lately exchanged, or rather the ratifications so exchanged had not arrived, he waited merely for their arrival, before he proposed a day for taking the treaty into consideration. As soon as the ratified convention came, he expected to receive His Majesty's commands to lay a copy of it before the House, and then he would submit the nomination of a day for the discussion of the treaty to the House, at which time also the day for deciding any doubtful point, might be fixed. The right honourable gentleman (Mr. Fox) had laid down one position with much greater appearance of heat and passion than had been necessary, as it was a position, that it would be difficult to find a man on either side of the House willing to deny; no less a position than that it was the duty of His Majesty's government, when they negotiated a treaty of Commerce with France, not to have been inattentive to the consideration of the state of our existing treaty and future trade with Portugal.—This was not only true in itself, but it was actually unnecessary for him to say any thing to prove that His Majesty's Ministers had been duly attentive to the treaty subsisting with Portugal, and the future trade with that kingdom, when they negotiated the commercial treaty with France, because that very treaty upon the face of it bore incontrovertible evidence of their having done so, as it contained an express reserve in favour of Portugal, enabling

Mr. Chancellor Pitt.

this country, whenever Portugal shewed herself by her conduct entitled to a continuance of the advantages she enjoyed at our hands by virtue of the Methuen treaty, to secure a continuance of the advantages to that kingdom. The right honourable gentleman had been a little incorrect in his expression, when he said that a resolution of the House to carry the commercial treaty with France into execution, would be a breach of the Methuen treaty with Portugal. A breach of that treaty, the carrying the commercial treaty with France into execution, would not amount to, but it would rather put an end to the Methuen treaty; because by that treaty, Portugal stipulated to grant certain advantages to this country so long as, this country gave her wines a preference by admitting them under duties specifically lower than those paid by the wines of other countries. Though it were to be wished that Mr. Fawkener might return from Portugal, and bring with him the expected agreement of that Court to the treaty in negotiation, or an account that the negotiation was terminated one way or another, prior to the day of discussion of the French treaty, yet the House might fairly come to a resolution of approbation of the treaty with France, as that treaty contained a clause of reserve, enabling Great Britain to continue to Portugal the advantages she derived from the Methuen treaty at any subsequent period whatsoever.

Mr. Fox.

Mr. Fox observed, that when he rose to answer the right honourable gentleman, he did not mean to contend against the position, that a resolution to approve and carry into execution the commercial treaty with France, would rather be a putting an end to the Methuen treaty than a breach of it, but he denied that the two treaties were separate considerations. He urged, that even under that view of the case, and supposing either that Mr. Fawkener had not returned, or that the treaty negotiating with Portugal was terminated one way or the other, then the Minister ought to make known to that House what his future intentions were with respect to Portugal, before he called upon the House to give their approbation of the treaty with France. He observed, that the moment the commercial treaty had received their sanction, that House was bound in honour and sincerity to proceed to carry it into execution, and as it was an undoubted fact, that an abundant number of speculations were depending and waiting for the execution of the treaty, if the House came to a resolution of approbation, it was their indispensable duty to enact laws for carrying it into execution as soon as possible after the resolution was passed, in order that the various speculations might be realized, and the country set at rest respecting it. He held it to be so absolutely,

olutely necessary, that the House should have before them information of the present state of the trade between this country and Portugal, and of the state in which it would be put after the French treaty was carried into effect, previous to the discussion of that treaty, that he should think it to be his duty to take the sense of the House on that point previous to the investigation of the general and main question on the treaty itself.

Mr. Chancellor *Pitt* expressed his astonishment, that the right honourable gentleman should with such uncommon ardor urge the necessity of speedily carrying the treaty into execution, in order to realize the speculations grounded upon it, and yet wish to delay the coming to a resolution respecting it, which was an unavoidable preliminary proceeding. After a resolution of approbation (if such should pass) the forms of the House rendered it impossible to pass any bills in consequence into laws, without their being obliged to go through various stages, which would indispensably take up several days, and occasion much delay. Though Mr. *Fawcener* might not therefore return or send any intelligence by the time that the resolution might pass, yet, before the bill relative to wines, which might be grounded upon it, should pass the Committee, information might arrive, and then it would be time enough to make the provision in favour of Portugal, should Portugal think proper to entitle herself to favour. But whether any information arrived from Portugal or not, still he held the part of the treaty, respecting French wines, to be a wise measure. He was prepared to declare in either event, that whether the advantages of the Methuen treaty were continued to Portugal or not, it was wise to agree with France as the commercial treaty stipulated.

Mr. *Burke*, to his encomiums on the candid consistency of the Minister, added, that he had acted throughout with perfect consistency, but declared, that where a system was bad, in that case consistency was bad also. What struck him as extraordinary was, that the first time any complaints of the non-compliance of Portugal with the terms of the Methuen treaty were breathed in that House was, when a commercial treaty had been concluded with France. Then and then only did such a matter burst upon them. He was aware that the merchants had complained so long ago as the year 1768, but as a member of Parliament he had heard of no complaint till he had heard of the commercial treaty with France. This was a new era, and before the kingdom of Portugal, which the Methuen treaty tied and bound, as it were, to this country, were let loose, and all our connections with that kingdom, and the benefits which re-

sulted in consequence, for, so many years, were abandoned by Great Britain, it behoved that House to act cautiously, to have complete information before them, and to know the full extent of the sacrifice that the right honourable gentleman wished them to make to France, as the price of the advantages expected to result from the carrying the commercial treaty into complete execution.

Mr W.
Grenville.

Mr. *W. Grenville* observed, that notwithstanding the indirect manner in which the right honourable gentleman had ventured to accuse the Minister of inconsistency, he was driven, in the support of his charge, to the feeble and unbecoming shifts of bare-faced and palpable misrepresentations of the whole speech. For instance, he had endeavoured to give a turn to his right honourable friend's argument, as if he had stated that he looked upon the French treaty as a sacrifice of the present subsisting treaties with Portugal, and vindicated it upon that ground—whereas, in fact, no such sentiment had dropped from him. He had only observed, that the French treaty would in no degree preclude Great Britain from adhering to the spirit of the Methuen treaty, should the Court of Portugal shew a disposition to entitle herself to a continuation of the benefits resulting from that treaty, but also, that whether Portugal should or should not come to a proper settlement with this country on the matters at present in dispute between them; in either case the French treaty was a most wise and beneficial object. Extraordinary, indeed, was the assertion of the right honourable gentleman, (Mr. Burke) that he never had, until that day, been apprised of any defection on the part of Portugal, from the provisions and spirit of the Methuen treaty. It was impossible for any gentleman, who had paid so much attention to the commercial concerns of this country, to be ignorant of a circumstance so glaring, and so universally known, as that repeated and uniform complaints had been made of the ineffectual manner in which that treaty had been carried into execution on the part of Portugal, so far back as the year 1767, from which period that country had been gradually departing from it more and more. But if, indeed, the right honourable gentleman was so unaccountably ignorant of so plain a fact, there was a right honourable gentleman, at no considerable distance from him, who, at least in the knowledge of commercial concerns, could look down upon him with all the consciousness of high pre-eminence.

Mr. Fox.

Mr. *Fox*, now rising, observed, that he thought himself justified in declaring that the right honourable gentleman had actually proceeded to those lengths in misrepresentation, which he laboured (but laboured ineffectually) to impute to his

his right honourable friend. He observed, that his right honourable friend had not generally said that he knew of no complaints against the Court of Portugal, for her infractions of the Methuen treaty, but had only declared, that in his parliamentary capacity, as a member of that House, he had never been made acquainted with any such complaints—no such having ever been stated in that House. If any charge of neglect should be made against him for having omitted to bring a business of such consequence before Parliament during the very short time he had been in office, Mr. Fox remarked, it would be at least some kind of excuse for him that the present Administration had been guilty of a similar neglect for a much longer period.

Mr. *Francis* declared, that his right honourable friend ^{Mr. Francis.} (Mr. Burke) had barely confined himself to the walls of that House, when he said he was unacquainted with any complaints against the Court of Portugal. He added, that nothing could be more absurd than the observation which fell from a right honourable gentleman (Mr. Pitt) that the same argument which proved the necessity of following up a resolution with speedy execution, also went to establish the necessity of coming to a speedy resolution. No such conclusion could possibly be drawn, but rather the reverse; for the very nature of execution required speed and activity, that of resolution, deliberation, and foresight, and the necessity of a speedy execution rendered it necessary also to deliberate well before a resolution was formed. So that instead of hurrying on the resolution of the French treaty, it was more desirable to postpone it as much as possible, even to two or three months distance. In every point of view, it appeared requisite that the fullest and most extensive intelligence should be brought forward to assist the House in their investigations.

Mr. *Pelham* contended, that it was not strictly proper to ^{Mr. Pelham.} limit the question merely to the wine trade with Portugal, for in fact the whole system of our commerce with that country, nay, even the general policy which this country had always pursued with respect to its intercourse with her, would be materially affected by any alteration in the principles and spirit of the Methuen treaty—It would be therefore highly necessary for the House to be fully informed of the true state of that commerce before they proceeded to a subject in which it was so materially involved as in the treaty with France, and he should therefore at a future day move for other papers containing farther information.

Mr. *Burke* observed, that the right honourable gentleman ^{Mr. Burke.} who had thought proper to reprehend him, was so prone to assume a censorial office within those walls, that undoubtedly

he thought himself peculiarly qualified to act censorially. By superiour abilities he was ready to admit him to be qualified, but reprehension was something more than a mere reply, or animadversion upon another's argument: great abilities alone, therefore, were not the only requisites to qualify any man to assume the office of a censor; whoever took upon him to act censorially, ought to take care that his reprehension was governed by a nice and exact regard to justice. The right honourable gentleman had reprehended him for mistating a fact; but it so happened, that the reprehension was ill founded. For, as his right honourable friend had done him the favour and the justice to remark, he had expressly declared that he had heard of the complaints of the merchants against Portugal much earlier than the year 1767, the year stated by the right honourable gentleman; he had mentioned that he had heard of them so early as the year 1758 or 1759, but he appealed to the Chair whether it was not sufficient for him to have said within those walls, that he had never heard of them, and whether, parliamentarily considered, that was not speaking correctly.

Mr. Minchin.

Mr. *Minchin* remarked, that under the expectation that more information would be laid before the House than his motion appeared likely to produce, he would with their leave withdraw it; wishing it however to be understood, that if the expected information did not arrive, he would in that case make a future motion upon the subject.

The motion was withdrawn, and the House adjourned.

No debate occurred from this period until

Thursday, 1st February;

When a petition of five hundred and seventy persons, whose names are thereunto subscribed, the civil and military servants of the United Company of Merchants of England, trading to the East Indies, and other the British inhabitants of the Presidency of Fort William, in Bengal, and of the forts, factories, and places subordinate thereto, was, by Mr. Dempster, presented to the House upon this day, and read; setting forth, that an act of parliament, made in the 24th year of His Majesty's reign, intituled, "An act for the better regulation and management of the affairs of the East-India Company, and of the British possessions in India, and for establishing a court of judicature for the speedy and effectual trial of persons accused of offences committed in the East Indies," inflicts, with unmerited severity, the most insupportable grievances on the British subjects in the East Indies, and, with a disregard to the
funda-

fundamental principles of the constitution, deprives them of many of their most valuable rights and privileges: that the petitioners, conscious of being intitled to the protection and support of the laws of England, in common with the other subjects of the realm, cannot behold this infringement of their liberties, and this injury to their persons, fortunes, and reputations, without the severest pain, and most sensible mortification; aware at the same time of the right which they legally possess of laying their remonstrances before the several branches of the legislature, they would feel that they were deficient in the duty they owe to themselves, did they neglect to state at large, and with the freedom of Britons, the grievances under which they labour; and aggravated indeed will be their sense of injury, should their just representations be received in silence, or not be speedily noticed by the representatives of the nation, the true and appointed guardians of the liberties of the subject: by this act all the servants of the East India Company in the East Indies indiscriminately, and not merely those in high political stations, are liable to be removed from their offices, and to be recalled to England at the pleasure of the Crown, which is, in other words, at the will of the Minister, without any charge being preferred against them, or any reason assigned for such removal or recall: by the same act it is made unlawful for the East-India Company, after sentence or judgement of any court against the servants of the said Company, to compound for any debts, or penalty due to them, whereby the servants of the said Company, who may happen to be involved in misfortunes, not the effect of any criminality on their part, and which human prudence could neither foresee nor prevent, may be subjected to the additional misery of imprisonment for life: by the same act, all persons charged with carrying on, mediately or immediately, any illicit correspondence dangerous to the peace or safety of the settlement, or of the British possessions in India, with any of the princes, rajahs, zemindars, or other person or persons whomsoever, having authority in India, or with the Commanders, Governors, or Presidents, of any factories established in the East Indies by any European power, contrary to the rules and orders of the said United Company, or of the Governor General and Council of Fort William aforesaid, are liable to be seized on the sole warrant of the Governor General, and with the sanction of his Council forcibly sent to England, there to be tried for the same, whereby the British subjects residing under the said Presidency, against whom such charges shall be preferred, may be exposed to a long and severe imprisonment, to the hardships and danger of a tedious voyage, to the loss of their employ-
ment

ment and means of subsistence, and to consequent poverty and ruin; justice may be unreasonably delayed, and finally the persons accused, after suffering the evils above enumerated, will be brought to trial under every disadvantage which can result from the want of money and the want of witnesses, without any means, if acquitted, of obtaining a compensation for the grievous injury done to their fortunes, peace, liberty, and reputation: and the petitioners farther conceive, that such a power lodged in the hands of any individual, or of any body of men, may be frequently dangerous to the liberty of the subject, inasmuch as it may be employed as the means of seizing and removing any obnoxious persons, either for the promotion of party views, or the gratification of personal resentment, since the necessary transactions of the Company's servants in the ordinary course of business may be made a plea for the exertion of it: by the same act the petitioners see an odious and painful distinction established between the servants of the Company in India and the British subjects at large, the former of whom are considered by it indiscriminately as men so prone to delinquency, that for the better preventing and more easily punishing their misconduct, it has been thought advisable to violate the great charter of our liberties, and to infringe the most sacred principles of the British constitution; they are required upon their return to Great Britain, under penalties of enormous severity, to deliver upon oath into the Court of Exchequer, an exact particular or inventory of all their estates, real and personal, for the purpose of facilitating the detection and punishment of their own misconduct, should they have been guilty of any, whilst resident in the East Indies, whereby they are subjected to the hardship and mortification of discovering to the world their private concerns, or of exposing their poverty; when they return, as many do, in indigent circumstances, and, farther, are punishable, by excessive forfeitures, should they happen in the enumeration of their fortunes, from any error of forgetfulness, or through the uncertainty of the recovery or actual state of their outstanding debts in distant countries, to be guilty of an omission or untrue specification, to the amount or value of two thousand pounds. By the same act, every servant of the said Company, returning from the East Indies to Great Britain, may, upon mere suspicion that such inventory or particular doth not specify and disclose an account and description of the whole estate and property, real and personal, of the person delivering the same, according to the true intent and meaning of the said act, be compelled to go before the Remembrancer of the Court of Exchequer, to answer upon oath to such interrogatories touching and concerning

cerning his real and personal property, and the disposal thereof, as the said Court shall think meet, and is not only liable to be imprisoned, without bail or mainprize, till he shall have fully answered the said interrogatories; but if he shall not submit to be examined, and fully answer such interrogatories as aforesaid, is also subjected to the cruel and excessive forfeiture of his whole property, real and personal, whether hereditary or acquired, a forfeiture so much the more oppressive and intolerable, as the sole object of the examination it enforces is, the conviction of the party examined, as it breaks down the best barrier with which the law has guarded the safety of the subject, robs the servants of the Company of the right of self-defence, and compels them to become their own accusers. The petitioners see no difference between a confession thus extorted, and one drawn forth by torture, except that the latter mode of investigating truth only hurts the body of the accused; the former both ruins himself, and strips his innocent family, and all who are dependent on him, of the very means of subsistence; nor is the mode already noticed, of obtaining a knowledge of guilt, the only one liable to exception, large rewards are held out to informers, by which the servants of the Company, returning from India, are exposed to the malice of their enemies, to the envy of the disappointed, to the powerful calls of avarice and poverty, and to the dangerous effects of ministerial influence. The petitioners submit it to the recollection of the House, that, although they are now serving the Public at an immense distance from the seat of the British empire, where remote from their country, their families, and their connections, many of them have expended their blood, and wasted their best years and their constitutions, in supporting the honour of the British arms, and in defending those invaluable possessions through a long and arduous war; they were born subjects of Great Britain, and are as well entitled to all the rights, liberties, and privileges of Britons, as those more happy citizens who dwell in their native country. The petitioners have not, by the change of climate, lost the feelings and sentiments of Britons, but know how to value those inestimable blessings which they were born to inherit and revere, and they are not conscious of any crimes they have committed, by which they can have forfeited their title to the enjoyment of them. Extreme therefore is the grief they feel, when they find, that, for bringing to punishment persons guilty of the crime of extortion and other misdemeanors, committed in the East Indies by British subjects holding offices under the Crown, or under the said United Company, it has been thought expedient to devise another course than that which the common

law hath provided for the punishment of such offences, and that the small remains of the petitioners, who may survive to return to their native country, are to be dealt with by a different law, and a different course of justice, from the rest of their fellow subjects. This odious distinction, by which they are stigmatized, is in itself sufficiently painful to them; but the erection of a tribunal, novel in its kind, and most repugnant to the constitution, whose proceedings are restrained by no settled rules of law, and subject to no appeal, the power given to all persons of moving for informations, and bringing the petitioners to trial for imputed crimes, without the intervention of a Grand Jury; the compelling such of the petitioners as may be informed against to enter into recognizances, which are to bind their whole fortunes, and to deprive them of the free enjoyment of their property, during the course of a prosecution that may be protracted for many years, an incident never before, as the petitioners are advised, attached to any recognizance, either by the common or statute law, not even to those required for the most atrocious offences, which are bailable by the laws of England; the empowering the prosecutor to cause an appearance and a plea to be entered for the party informed against, and to proceed in such information in the absence of the said party, in case of his neglecting to appear within such times as shall be allowed him for that purpose; the giving to the said new-created tribunal the power of adjourning, and consequently of delaying, their proceedings at pleasure, without reserving to the party informed against any means of enforcing a decision, or of obtaining a discharge on the neglect or delay of prosecution, and without granting him any remedy, in case of his acquittal or discharge from such information, for the cost and damages he may have sustained by a long and vexatious prosecution; the compelling the party found guilty of the crime charged in such information, and adjudged to pay a fine to the Crown, to enforce his own punishment, by a discovery upon oath of his estate and effects sufficient to answer the same; the enacting that all writings, which shall have been transmitted from the East Indies to the Court of Directors, by their officers and servants resident in the East Indies, in the usual course of their correspondence with the said Court of Directors, and which may have been written by persons heated by party, warped by prejudice, or misguided by ignorance, shall be admissible and competent evidence before the said new-erected tribunal; the inflicting enormous forfeitures, and indefinite imprisonment, for slight offences; and, finally, the depriving the petitioners of that best protection of their liberties and safety, that inestimable blessing, and their undoubted birthright, the trial by

by Jury, a birthright which they have neither voluntarily renounced, nor forfeited by any crimes, are grievances so injurious and oppressive to the petitioners, and precedents of so fatal a tendency to the liberties and constitution of their country, that they feel themselves obliged, by the duty they owe to themselves as men, and as citizens of a free nation, to exert every means which the laws and constitution of their country allow, to liberate themselves from the yoke of so severe, ignominious, and unconstitutional a law, and to prevent an example being established in the infraction of their rights, which may hereafter be drawn into a precedent for violating the rights of other classes, and other orders of their fellow subjects, and ultimately for the overthrow of the constitution itself; and that the petitioners have endeavoured to convey their just complaints with temper, moderation, and respect; but it is their wish to impress on the minds of the House, at the same time that they have a just and keen sense of the injuries which have been undeservedly inflicted upon them, and that the mode which has been taken to obtain redress of the oppressive and degrading clauses of the said act, are not hasty and idle resolutions, excited by the first impression of indignation and resentment, but a system of constitutional measures, deliberately and unanimously adopted. Actuated by these motives, and filled with sentiments of loyalty, duty, and attachment to their native country, sentiments which it has still been their pride to cherish, and which, they hope, no act of the Legislature will ever tend to weaken, the petitioners think they have an indubitable right to claim, and insist upon, a relief from their grievances, and a restitution of those privileges, of which they have been unconstitutionally deprived. The petitioners are persuaded, that the representatives of the nation, the natural guardians of their liberty and safety, exulting in the reflection, that the happiness and freedom of a people can be the only true object of a wise and just government, will not be displeased to find, that the British subjects in the East Indies retain the sentiments and free spirit of Britons, and that they have no more lost the virtues than the feelings of their countrymen. The petitioners, in conclusion, most earnestly beseech the interference of this House, to repeal the oppressive clauses of the said act, as above enumerated, in whole, and without qualification, there being no other relief suited to the nature of the injuries complained of, or which can be satisfactory to the petitioners, and remove those discontents which at present fill the minds of the British subjects in India.

The petition was received, read, and ordered to lie upon the table.

Mr. *Dempster* next presented a petition of the several persons whose names are thereunto subscribed, by and on the behalf of themselves, and as agents of the civil and military servants of the united company of Merchants of England trading to the East-Indies, and other the British inhabitants of the presidency of Fort William in Bengal, and of the forts, factories, and places subordinate thereto, which also was read; taking notice of the last preceding petition; and setting forth, that the petitioners are the agents of the several persons whose names are subscribed to the said petition, having been appointed by them to act as such in prosecution of the relief thereby prayed; and alledging, that, since the said petition was signed, and before the petitioners had arrived in this country, an act of parliament was passed, to explain and amend certain provisions of an act, made in the 24th year of the reign of His present Majesty, respecting the better regulation and management of the affairs of the East-India Company, whereby some of the clauses of the former Act have been entirely repealed, others have been altered and qualified, but many remain in the same state as when the said petition was prepared; and that, with respect to such clauses as have been fully repealed, the petitioners are truly sensible of the wisdom and benignity of the Legislature, in having thus anticipated their just complaints, and in having administered the proper relief; but the petitioners beg leave to submit, as to those clauses which have been only altered, that the alterations therein made have not removed the causes of complaint, either from the minds of the petitioners or those whom they represent; for the petitioners, for themselves, declare, that the relief prayed by the original petition is not, in their apprehension, afforded them by such alterations; and, as to the several other persons whose names are likewise subscribed to the same, they have therein expressly stated, that there is no other relief suited to the nature of their complaints but a repeal, in whole, and without qualification, of the several clauses in said petition enumerated: In particular, the petitioners observe, that by the last-mentioned act, an option is given to his Majesty's Attorney General, or any private prosecutor of any information against the petitioners, to have the same tried before the new tribunal, or, on motion in the court of King's Bench, to have it retained there, and tried in the ordinary way, which option, the petitioners submit, is highly injurious to them, because it is thereby left to the discretion of their prosecutor to harass them with a course of proceeding, which, in their original petition, they have stated to be repugnant to their most valuable rights as British subjects, and not warranted by

by any necessity; and the petitioners beg leave farther to represent, that, by the said act, they are made liable to have judgement pronounced against them in their absence, in the same manner as if they were personally present, which judgement is to be conclusive, so that the petitioners are thereby deprived of the common rights of every other British subject, in cases of a similar nature, to move in arrest of judgement, and to be heard in support of such a motion, before any judgement could be pronounced; and therefore, on their own behalf, and for the several persons whom they represent, as herein before stated, praying, which in their former petition was, through inadvertence, omitted to be done, that they may be heard, by their counsel, in support of the said petition, and likewise against all those clauses of the act passed in the 26th year of His present Majesty's reign, which only alter, and do not repeal, the clauses contained in the former act, and complained of in the original petition, and, farther, against such new regulations as herein are before mentioned.

And the said petitions were severally ordered to lie upon the table.

Mr. Dempster now signified his intentions of moving on the ensuing Wednesday, that the petitioners might be heard by their counsel, at the bar of the House.

The order of the day being read for going into a Committee of the whole House on the charges against Mr. Hastings, the honourable Mr. St. Andrew St. John took the chair; and

Mr. *Sheridan* moved, that Nathaniel Middleton, Esq. be now called in; which being done, an examination took place,* after which

Mr. Chancellor *Pitt* begged leave to remind the House, Mr. Chan-
that on the morrow he should fix upon a day to take the cellor Pitt.
commercial treaty into consideration. This was of the utmost national importance, and very possibly a debate might arise respecting papers to be moved for. He was the more apprehensive of it, because, on a former day, an honourable member (Mr. Pelham) had intimated his intentions to that effect. If therefore the farther examination should take place upon the very next day, a debate might also arise, and affairs of the last importance would probably be delayed. He acknowledged that Mr. Hastings's business was a great national concern, and certainly required dispatch; but hoped that no honourable member would consider it of equal importance with the treaty of commerce. He could wish

* See an authentic copy of the Examinations of Mr. Middleton and Sir Elijah Impey, printed for J. Debrett, Piccadilly.

that the honourable members would, upon the ensuing day, come prepared with clear and distinct motions respecting papers; and if they were such as would not tend to procrastinate the consideration of the treaty, he should rejoice to meet them with every intelligence which it could be possible for him to supply.

Mr. Pelham.

Mr. *Pelham* repeated his first determination to call for papers relative to our exports and imports with Portugal, in order to found an inquiry into the general state of our trade with that kingdom. Without the assistance of these papers the House ought not, he conceived, ultimately to determine upon the French treaty.

Mr. Fox.

Mr. *Fox* said that he could not avoid acceding to the justice of the remark of the right honourable gentleman (Mr. Pitt) that great and important as the inquiry into the conduct of Mr. Hastings was, yet the commercial treaty was certainly of much higher consequence; and therefore, if either was obliged to give place, it must be the former; but the difficulty arose in the same manner with the inquiry as with the treaty; for if it was postponed until Monday, it would certainly interfere with the charge which was fixed for that day.

Major Scott

Major *Scott* having declared that he did not entertain even the most distant wish to throw obstacles in the way of so interesting a business, observed, that as it appeared that both sides of the House were not averse from it, he would take an opportunity when the House should be resumed to move for a copy of a letter from Mr. Bristow to Mr. Middleton, dated January 22, 1773.

After a little general conversation, the House agreed to complete Mr. Middleton's examination upon the day following.

He was then called again to the bar, and Mr. St. John, the Chairman, asked him the following question, "Whether he could be prepared with his correspondence by the early time appointed?"

The witness recollected only one letter which he had received from Sir Elijah Impey, and he could not immediately tell where to lay his hand upon it.

After a few other questions the witness withdrew, and Mr. St. John left the chair. The House was resumed, and a report of progress made.

Ordered, That Mr. Middleton do attend the bar of this House upon the morrow; that he produce his correspondence with Sir Elijah Impey, Mr. Bristow, or any other person, respecting the negotiation of a treaty between Warren Hastings, Esquire, the Governor General of Bengal, and the Nabob of Oude.

Ordered,

Ordered, that Sir Elijah Impey do attend the bar of the House for the same purpose; that he produce his correspondence.

Major Scott moved, "That the letter before mentioned be laid upon the table." Ordered.

The House adjourned.

Friday, 2d February.

When Mr. Rose had presented to the House "a bill for Mr. Rose. amending and rendering more effectual the laws now in being, for suppressing unlawful lotteries, and regulating the sales of lottery tickets;" he begged leave to call the most serious attention of the House to the circumstance, that as a result of the present existing law, the jurisdiction was lodged in the hands of Justices of the Peace; and that therefore, one great object of the present bill was to change the jurisdiction, and vest it with the Judges of the Courts at Westminster. As the law stood, a Justice of the Peace on complaint being made of an offence against the Act, issued his summons, calling upon the offender to appear before him, and hear and answer the charge. The offenders generally employed counsel, and often defeated the object of the act, and it was in their power to do it in this simple way:—If a summons was issued from a magistrate in the city, the offender had only to move into Westminster to evade the summons, and defy the power of the magistrate, and so vice versa. The bill therefore enacted, that a party charged with an offence against the laws in being, should be liable to be apprehended by a *capias*, and brought before a judge; and if he could not instantly and upon the spot procure bail, it would follow, that by virtue of an act passed in the seventeenth year of the reign of the late King, he must suffer all the pains and penalties inflicted upon rogues and vagabonds. The bill was read a first time, then upon motion read a second time, and at length committed for the ensuing Monday.

Mr. Chancellor Pitt moved for certain papers necessary for the House to have before them, previous to their proceeding to the deliberation of the treaty of navigation and commerce with the Most Christian King. And these were

"An account of the quantity and value of the imports into Great Britain from France between the 5th of January, 1714, and the 5th of January, 1787, distinguishing each year, and the species of Goods."

"An account of the British produce and manufactures exported from Great Britain to France, between the 5th of January, 1714, and 5th of January, 1787, distinguishing each year, and the species of goods."

"An

“ An account of the foreign produce and manufactures exported from Great Britain to France from 1714 to 1787, distinguishing the species and goods.”

“ An account of the stock of wine in the possession of dealers on the 5th of July, and 29th November, 1786, and imported and consigned within the said period.”

“ An account of the stock of wine in possession of dealers on the 1st of December, 1786, imported and consigned between the 5th of July and 31st of August.”

Mr. Pitt added, that he could not sit down without informing the House that for the purpose of laying before them every requisite document relative to the state of the wine trade with Portugal, the factory had been written to, and an account was daily expected of the exports of wine from Portugal to this country, which as soon as it arrived he should not fail to produce, convinced that it must throw more light upon the subject, than any paper which it was possible to obtain.

Mr. Pelham.

Mr. *Pelham* rising next, read several motions, and observed, that if objection should be stated to any one of them, he would wave making it then, as it was by no means his wish to take up the time of the House on a day destined to other important business. In the course of reading the different motions, he prefaced each with a few explanatory words, laying it down as a proposition clear to his mind, and in his sense of it undeniable, that in order to enable the House to judge of the policy of a commercial treaty with France, it was indispensably necessary, that the House should be previously apprized of the general state of the trade and commerce of the country, because undoubtedly in proportion to the increase of imports from France, the imports of the same commodities from other countries would decrease, of which, and its probable effect, it was impossible to form an opinion without such papers as his motion specified. Mr. Pelham in conclusion, moved for

“ An account of exports and imports to and from Great Britain and Portugal, distinguishing the articles and the years, from 1703, to 1786.

“ An account of imports and exports from Portugal, distinguishing the articles and years from 1760, to 1780.

“ An account of the several duties received upon malt, upon beer, and upon spirits distilled from malt in the years 1783, 1784, 1785, and 1786, distinguishing the quantity of such spirits charged with duty in the same year.

“ An account of the goods, wares, and merchandize, exported and imported into Great Britain, distinguishing each place from Christmas 1783, to Christmas 1785.

[Mr. Pelham also read two other motions, one for an account of the specific and distinct quantity of the exports of British manufactures of woollen, &c. &c. to each country we traded with, for a limited period; and the other for an account of our woollen export and import trade with Spain. To these last, Mr. Pitt made some objections, to the cogency of which Mr. Pelham yielded and withdrew them.]

Mr. Chancellor *Pitt* remarked, that although he took the liberty of stepping forward against the honourable gentleman as an opposer, it was much less his intention to resist his motion, than to call in question the principles which he had advanced in their support. He could not, for instance, by any means agree to the proposition, that in considering any particular treaty, that House should have before them the whole system of our commercial intercourse with other nations—such a doctrine would prove repugnant to the spirit of that established practice, by which the House, although it reserved to itself a right of discussing and approving all treaties whatsoever, previous to their being carried into execution, had yet always avoided any interference with treaties while they remained in agitation—And as the House of Commons had never assumed the right of making a treaty, so it had at all times been extremely cautious of discussing any motions, by which any pending treaties were likely to be affected. In the present case, some of the motions of the honourable gentleman had clearly and palpably a tendency to interfere with the subject matter of several treaties now depending, and if there were no other reason for withholding the accounts moved for, it would at the present period be extremely unwise to make such matters universally known, as the state of our country might, if published, operate to our disadvantage in our negotiations with others, by raising their claim upon us, or in various other ways which the House might easily conceive, but which required great delicacy to speak upon. Still he should think himself bound to assent to every motion, which had for its object any necessary information, not only such as he thought necessary, but even such as appeared to others, in their way of considering the treaty, however differently he might think himself. Yet he could never consent to the production of any documents tending to endanger the interests of the country. Agreeable to this sentiment, he enumerated such of the motions, read by Mr. Pelham, as he thought could with safety be agreed to; and added, that he could not but object to that which went to make public the distinct and separate amount of our various exports to each of the countries to which we traded, and he must particularly oppose that which related to the quantities of wool and woollens imported and export-

ed respectively between this country and Spain.—In conclusion, he expressed his hopes that the honourable gentleman would do him the justice to believe that he should have acceded to all his motions, if he had not dreaded lest the consequence of passing some, might bring upon the table, papers, the publication of the contents of which would prove of detriment to the state.

Mr. Fox.

Mr. Fox remarked, that it was far from his intentions on the present occasion, to sift the argument of the right honourable gentleman to the bottom; and that he should rest satisfied with the intimation that he by no means agreed with his reasoning, that the proposition of his honourable friend was false; on the contrary, it appeared to him to be a self evident proposition, that if our imports of spirits, or any other given commodity from France, increased to any considerable degree, nearly in an equal degree, must our imports of the same commodities from other countries decrease, and therefore he concurred with his honourable friend in his idea, that it was necessary for the House to have such papers, as his motion in that respect specified, before they could possibly decide upon the commercial treaty. Mr. Fox added, that he felt it necessary to declare that he was not at all disposed to acquiesce with the notice, that the right honourable gentleman had just given of Monday se'nnight, as the day for debating the treaty with France. That day he thought much too early; so much so, that he was amazed that the right honourable gentleman should think of naming it, and therefore he thought it right not to let the House separate, without letting it first understand, that he, for one, thought Monday se'nnight too early.

Lord Geo.
Cavendish.

Lord George Cavendish intimated, that as the treaty of navigation and commerce was a matter of great importance, in as much as it deranged all our ancient and established treaties of commerce with other countries, a call of the House might be proper.

Mr. Chan-
cellor Pitt.

Mr. Chancellor Pitt replied, that although sincerely anxious to have so important a subject investigated before the fullest assembly possible, yet he believed, from the circumstances of the present suggestion, that he should be fully justified to the House and the Public in giving it his hearty negative. In short, he looked upon the suggestion in no other light, but as an artifice to delay and procrastinate the consideration of a subject, on which reason and sound policy required a very speedy determination. If a call of the House were really necessary, what excuse could be made by the noble Lord, or any of his friends, for having delayed it so long? Was it, that, until the present moment, they had never considered the French treaty as an object of sufficient

sufficient importance to justify a call of the House? or would they pretend to say, that they had never known, until now, that it was the intention of His Majesty's Ministers to bring it forward as early in the session as possible? If then they knew it to be his intention to have proposed the entering into the discussion thus early, (and that he had repeatedly declared his intention to be such, he appealed to the memory of every gentleman present, and who at the same time had a proper sense of the magnitude and importance of the subject) in that case they must be censurable either for neglect in not having moved for a call of the House earlier, provided such call were necessary, or for a wanton and inexcusable attempt to procrastinate a measure of the highest consequence to the welfare of the kingdom, by moving for a call now, supposing it to be unnecessary. Thus, in either point of view, their conduct was equally blameable. He begged leave to remind the noble Lord of the expressions of a right honourable gentleman (Mr. Fox) who sat near him on a former day of the session, "that the pending treaty had given rise to so many speculations, and had so materially affected the operations of our manufacturers and merchants, that it became highly necessary to bring it to as speedy a conclusion as possible, in order to put an end to that suspense which its present unfinished state must necessarily give rise to, and a continuance of which must be highly detrimental to the interests of those concerned."

Mr. Fox begged leave to declare that he felt it his duty (and his heart supported him in the execution of it) to recoil with indignation at the inference that Parliaments should venture to meet with hasty inattention the performance of a task for which they were responsible to the country, and go precipitately into the consideration of a measure of great national importance, because any set of men, however respectable their characters, however numerous their description, had thought proper to run before their sanction; and enter into speculations which they were by no means warranted to entertain. The right honourable gentleman had alluded to what had fallen from him on a former day, as if he had called for a precipitate discussion of the treaty, whereas, what he had said, was not that, because any set of men had rashly speculated upon the grounds of the treaty before it had received the sanction of Parliament, the deliberation of the House ought to be accelerated; but that whenever the House had deliberated upon it, and passed a vote of approbation, (should such a vote pass) it was their indispensable duty to proceed to the carrying it into execution with all possible celerity, in order to realize those speculations, that the vote and sanction of the House might, as it were, have authorised

Mr. Fox.

and encouraged. It was the execution, and not the deliberation, which he wished to have hastened; and therefore, when the right honourable gentleman thought proper to quote what he had said on any former day, he wished he would be so good as to quote him with something like correctness. It was the characteristic of the right honourable gentleman's Administration to be precipitate in deliberation, and lingering in execution. In most of his measures he had been hasty in coming to the decision of a vote, and he had almost as often had occasion to lament the want of greater deliberation; but he had scarcely ever been equally prompt to carry the vote into execution after it had passed. With regard to the call of the House suggested by his noble friend, he was astonished at the right honourable gentleman's objecting to it. A call of the House had sometimes been vexatiously made, but it scarcely ever had been refused when desired by any member. That it was now in common decency proper, who would be hardy enough to deny? A measure more novel, or more important, had perhaps never come under the consideration of the House. The right honourable gentleman told them himself that the measure was important; the House knew it to be important; the whole country felt it to be important. Would the business derive a grace in the eyes of foreign Courts, from its being there known to have been rashly and precipitately brought on, and that a call of the House, a thing usual in cases of infinitely less magnitude, had been refused? The refusal bore an aspect so illiberal and unbecoming, that it was impossible to reflect upon it without violent surprise.

Mr. Chan.
cancellor Pitt.

Mr. Chancellor *Pitt* answered, that he was sensibly awake to the justice of the instruction given him by the right honourable gentleman, "that whenever he quoted his words "he should quote them correctly;" but he was surprised to find the right honourable gentleman's practice so much at variance with his doctrine; for in the very same breath he had made the most gross and palpable misrepresentation of his own words. In this he said the House were not to depend on the authority of either himself or the right honourable gentlemen; for it was a mere question of memory, and he felt himself pretty secure, that no gentleman whatsoever would undertake to vouch for the right honourable gentlemen, that he had received the words he made use of on the first day of the session, in the sense into which he had now attempted to construe them. He must also presume to contend against the argument of the right honourable gentleman, that the House was not bound to take any notice of the speculations of the merchants and manufacturers, clearly shewing, that, in point of humanity as well as policy, it was

was their duty to do so, and to put an end as soon as possible to the suspense which the present state of the treaty must necessarily occasion: for even supposing that none of those persons had given any actual order with a view to the conclusion of the treaty, yet it was impossible but some hesitation and suspense must have been occasioned, which, if suffered much longer to continue, could not but be a very material prejudice as well to individuals as to the Public. He ridiculed the idea of procrastinating the consideration of the treaty, under the specious pretext of more serious deliberation; it was in fact only an affectation of deliberation; for it was nothing more than putting off, as long as possible, the time for beginning to deliberate, which in effect was the sure way to render their deliberations short and sudden; it was like taking time to deliberate previous to deliberation, and brought to his recollection the situation of a man, who even, whilst he does not busy his mind upon any one object whatsoever, drops down in a state of perplexity.

Mr. Fox disclaimed the absurdity of argument which the right honourable gentleman imputed to him, but added, that he was ready to admit, that, on a former day, the right honourable gentleman had misrepresented him to have argued; but that misrepresentation had been so ably and so completely corrected and cleared up by two of his honourable friends, (Mr. Francis and Mr. B. . . .) that he had not thought it necessary on that day to trouble the House with any explanation himself. Indeed, it would have been a bad argument for him to have used, had he urged the necessity of precipitating the deliberation of the commercial treaty with France, in the very same speech in which he was maintaining that it was impossible for the House to be competent to decide on that treaty, unless they previously had submitted to them authentic information of the state of our trade with Portugal, as it stood at present, and as it was likely to stand hereafter. With regard to the right honourable gentleman's quibble, that if the day of deliberation was deferred, the House would be in the state of a man, who fell down in a fit of perplexity, thinking of nothing, in the interval of the delay, he neither thought the sort of allusion very decent to use within those walls, nor was it at all respectful to the House, talking of them generally, to apply such an allusion to them. The honourable gentleman was welcome to apply such allusions to him personally, but to the rest of the House, a little more decency and respect was due. Did he believe that the House, because they at any time postponed the deliberation of any measure of great national importance, from one day to another, thought of nothing in the interval? Was it a fact, that gentlemen so far lost sight of and neglected their duty

duty, as not to prepare themselves without doors for the discussion of great questions to be decided in Parliament? Many measures were of a nature to the proper consideration of which few of the members of that House were competent. Questions of commerce and trade, more especially, were questions which members of Parliament, generally speaking, were not quite so well informed upon as other persons. Before gentlemen therefore could make up their minds to the proper vote they ought to give on the treaty, they must inform themselves by conversing with those whose avocations and professions enabled them to be more conversant with commercial subjects. As to the day of deliberation being desired to be procrastinated, it was a necessary procrastination, and not (as the right honourable gentleman had called it) "an affectation of deliberation, and mere putting off the day of beginning to discuss the treaty." What was the day? Perhaps the debate might be of so much length as to be adjourned, and so occupy two days or more. Still it would be but a single debate, and would all be decided by a single vote. Would the right honourable gentleman therefore contend, that too much reasonable time could be taken in order to enable gentlemen to examine a question of so much novelty and such acknowledged importance, before they came ultimately to decide upon it by their vote? If the argument of the right honourable gentleman, that the importance of the question alone was a greater motive to cause a full attendance than any call of the House were, found upon that principle, all the calls of the House which had hitherto taken place were idle and absurd.

Ld. George
Cavendish.

Lord George Cavendish declared, that, for his part, he considered as a point of immaterial consequence what either the right honourable gentleman over the way, or his right honourable friend near him had said on a former day, but he had ever understood it to be the undoubted right of any individual member to move a call, when he thought the business about to be brought on of great importance. He would not therefore, as an old member of Parliament, submit to the being told by the right honourable gentleman over the way, that no member had a right to move a call, or make any other motion but himself on one side of the House, and his right honourable friend on the other.

Mr. Chan.
Pitt.

Mr. Chancellor Pitt interrupted the noble Lord, to assure him that he was mistaken; but the House calling loudly to order, he sat down.

Ld. George
Cavendish.

Lord George Cavendish then said, "Good Good! what is all this? Before that right honourable gentleman's mother was married I had sat several sessions in Parliament, and am I now to learn from him my duty within these walls?"

His

His Lordship then recapitulated his former argument, and observed that he begged leave to remind the Speaker, that, without any motion, when weighty and great questions were about to be agitated, it was usual with him to send his mace to the rooms and places adjacent, to convene the members, in order that the business might commence in as full a House as possible; and he asked if any business could possibly require a fuller attendance than the discussion of the commercial treaty with France.

Mr. Chancellor *Pitt* apologized to the noble Lord for interrupting him, but assured him it only proceeded from his anxiety to set him right as soon as possible, in a point in which he had totally misconceived him, and undeservedly imputed to him a degree of disrespect to himself and to the House, of which he was incapable. He had not entertained the most distant idea of including the whole House, nor any part of it, by the opinion of any one member, but had only quoted the former words of a right honourable gentleman in support of his own opinion, a mode of argument which, in the present instance, at least, he wondered the noble Lord should be so highly offended at. Mr. Chanc.
Pitt.

Mr. *Burke* said, that he felt himself thoroughly justified in contending that his noble friend had been justified in what he had advanced, as the right honourable gentleman's argument in part, if not in the whole, and he rather thought in the whole, had been an argument *ad hominem*, an argument personally addressed to his right honourable friend near him. Mr. *Burke* then animadverted on the reasoning of the Chancellor of the Exchequer as to the importance of the commercial treaty, entitling it to an early deliberation, and declared, that if the new regulations of trade that it would call for and create, were sufficient reasons for going into the discussion of it prematurely and precipitately, every other regulation might, with equal propriety, be rendered subject to crude and hasty examinations. Mr. Burke:

The order of the day having been moved and read for the House to resolve itself into a Committee on the charges against Mr. *Hastings*, the Speaker left the chair, and Mr. *St. Andrew St. John* took his seat at the table.

Mr. *Middleton* was then called in, and underwent a long examination by Mr. *Dundas* and another gentleman.

After the examination had proceeded for some hours,

Mr. Chancellor *Pitt* expressed his apprehensions that it would be impossible for the evidence to be printed soon enough for the copies to be distributed in time on Monday for the members to have them, so as to enable them to become masters of its tendency, and apply it to the charge, if the charge were that day debated. He called therefore on Mr. Chan.
Pitt.
the

the honourable gentleman opposite to him (Mr Sheridan) to know whether he would bring forward the charge on Monday under such circumstances, or defer it until a period a little more distant.

Mr. Sheridan. Mr. Sheridan agreed to postpone bringing forward the charge concerning the Begums till Wednesday.

Mr. Chancellor Pitt. Mr. Chancellor Pitt then said, that he would on the ensuing Monday, instead of Tuesday, (as it had been before settled) give notice of Monday se'nnight as the day for debating the commercial treaty with France.

Major Scott. Major Scott desired to know from the honourable gentleman (Mr. Sheridan) whether the charge concerning the Princesses of Oude would peremptorily be brought on next Wednesday.

Mr. Sheridan. Mr. Sheridan answered, that he could not undertake to say peremptorily that it would.

The Committee then proceeded to the examination of Sir Elijah Impey; and, in a considerable time afterwards, the House adjourned.

Monday, 5th February.

The House went into a Committee on the lottery regulation bill, Mr. Gilbert in the chair. When they came to the clause legalizing the insurance of whole tickets under certain restrictions,

Mr. Ald. Newnham. Mr. Alderman Newnham expressed his fears, that the bill meant to authorize a species of gambling highly prejudicial to the lower class of the people.

Mr. Rose. Mr. Rose acknowledged, that games of chance ought to be stopt as far as it was practicable, but that the present restraining lottery act was in most instances invaded. The process was as yet by warrant from a justice of the peace, directed to a constable, to distrain the goods on the premises. The return to this warrant was generally *nulla bona*, as the office-keeper had only to change his settlement; if in Westminster, to the city, and *vice versa*, whereby he evaded the magistrate's power. By the present bill, a *capias* would issue in the first instance, and the party become held to bail for good. The sale and value of tickets would be increased, which of course would prove an advantage.

Mr. Francis. Mr. Francis observed, that he could not avoid expressing, in the strongest terms, his censure against the indecisive, loose, and apparently inefficacious manner in which this bill appeared to point at the extirpation of the very serious and alarming evil of lottery gambling. He did not see the good policy of suffering this species of insurance; for under this mask, the whole of the villainy, which the Public so justly com-

complained of, would be felt in its utmost degree. He mentioned the case of a woman (till then possessing and deserving an excellent character) in his own house, who had plundered him to the amount of 200*l.* which sum, it was found, she had squandered in insuring tickets, and in buying chances in the lottery, instead of applying it, according to his order, to the discharge of several of his tradesmen's bills. The consequences were complete ruin to the woman, for in despair she committed suicide, in four days after the detection. For this, and several other reasons, exclusive of the impossibility of fairly regulating gambling, he should oppose the bill.

Mr. Alderman *Newnham* remarked, that as a certain proof how much the present bill would cherish and extend the nuisance, which it professed to remedy, the newspapers of that day contained numerous advertisements from fellows, who, in the contemplation of this bill, were seeking for shops in every corner of the metropolis; and, thus, every clerk, servant, and distressed adventurer, might continue to insure with all kinds of impunity, except in the last, dreadful instance of irrecoverable ruin, if not personal destruction.

Sir *Grey Cooper* expressed himself thoroughly convinced, that those who drew the bill meant to correct the evil to which it alluded; yet he doubted, whether the provisions of the bill would have that effect. It was certain that insurance was now prohibited. By this bill it was again to be revived, and under this authority every evil growing from that abuse might be apprehended. Besides, what necessity could possibly exist for authorising gambling?

Mr. *Steele*, remarking that the office-keeper was liable to be informed against by the party, added, that the only advantage of such a circumstance was to render the laws effectual. Might it not, therefore, prove advisable to wait the result of the bill; and the rather, as the lower class of people could not venture their pittance, because the agreement must become void, unless the name of the person, and number of the ticket, were expressed in the agreement.

Mr. *Bearcroft* commended the bill, as, in his opinion, extremely likely to bring into action very rigorous penalties against that species of offence which was most injurious, and do justice against small gamblers. The present laws were in fact a dead letter—they were not brought into inefficacy—and therefore some farther and more rigorous measures were necessary. The authority given for insuring whole tickets was not likely to be felt as an encouragement of gambling. The insurers of tickets to that amount were not the people whom it was the end of the bill to prevent from gambling.

It was perfectly certain, that let the Parliament inflict what rigours it might, people who gambled to that amount would find the means of doing it in spite of bills. But the evil which they all complained of was, that lottery-office keepers drew in the lower classes of the people by a number of small chances, which, though trifling when separately considered, amounted to an immense sum, and at the same time had no efficacy in adding to the emolument of the public. This evil it was intended to crush, and this the bill would effectuate. The Public would gain by the insurance of whole tickets, for it would raise their price in the market; nor could the inferior ranks of life engage in this particular-species of gaming.

Mr. Dempster.

Mr. Dempster trusted that no situation of distressed revenue would ever induce the nation to degrade itself by taking into its hand, and having a share in a gambling box. The honourable and learned gentleman's argument, "that no rigours would be sufficient to prevent the insurance of whole tickets," if it proved any thing, proved too much, for it might with equal truth be applied to the small gambler as to the rich. The passion was the same in all ranks; and surely a general prohibition under the present penalties would be the most efficacious system. What, for instance, could prevent a person's insuring a share of a ticket, when the keeper of the office was in league with him? Or was it not possible, with impunity, to break and divide a ticket amongst a multitude of inconsiderate adventurers?

Mr. Fox.

Mr. Fox said, that, possibly, as it was a clear and indisputable truth that it was totally impracticable to crush gambling *in toto*, it might be expedient to establish a mode by which the Public could reap an advantage from the general passion. But nothing was so clear as that this should be guarded by every possible means against the evils which sprang from small gambling. The persons who could afford to gamble so high as to give fifteen pounds for a ticket which was only worth ten pounds, would be very few in comparison of the number who could give one guinea for that which was only worth half a guinea. This shewed at one view the impolicy of the present clause; for it enabled people to enter into a species of gambling, undoubtedly worse than that of buying tickets, but which, as it tended to lessen the first risk, was a considerable invitation, and was a sort of gambling in which they could indulge themselves with a smaller stock. Grant this license, and there was no saying where the evil might stop. The same ticket might be handed about through a hundred offices, for the purpose of insurance, and consequently reducing the gambling to a price sufficiently small to be within the reach of the lowest orders

orders of the community; at least to be so small as to tempt them to all the petty larcenies which were complained of, to procure the means of gambling; besides, experience had long taught them, that there were such various modes of insuring whole tickets, and some of them so low, that unless the bill guarded against all those schemes, he saw no probability of the evil being remedied by this bill. The true and only means of preventing the ill consequences was a complete abolition of all; and it was in the power of the House to effect this by the introduction of penalties extremely heavy in their nature.

Mr. Chancellor *Pitt* observed, that the sole indispensably material point for determination was, whether the public benefit in a lottery might not be increased, by permitting insurance to a certain degree, and at the same time the species of small gambling, which was useless and pernicious to the community, be abolished? This was an experiment to that end; and if it should be found inadequate to the relief of the Public from the evils arising from small gambling, they would unquestionably have it in their power to make farther provision. It was his opinion, that granting a permission to a person to insure tickets of which he was in possession, as it tended to diminish his risk, would advance the price of tickets; and, under these circumstances, the Public would certainly acquire some lucrative advantages.

Mr. *Francis* contended, that his objection still remained unanswered. No provision existed for preventing the holder of a ticket from insuring it as often as he pleased, and at as many offices as he might think proper.

At length, the question was put on the clause, and the Committee divided on the question,

Ayes, 115—Noes, 78.—Majority for it 37.

The bill then went through the Committee, when several amendments were made, and a clause added, directing, "That no person shall be liable to prosecution, unless the information shall be lodged before a certain time."

The bill was ordered to be reported on the morrow.

Mr. *Adam* having expressed his wishes to make a complaint respecting a breach of privilege, said, that the sheriff of Renfrew had received into his hand, some time between the 10th and 20th of July last, the writ for the election of a member for that place, and had kept it without obeying it, or bringing on the election, until the 20th of October, although during the time when there was no member for that place, two prorogations had taken place, and that the exigencies of the state might have induced His Majesty to call for the assistance of Parliament. This breach of privilege he wished to complain of; but as he did not mean to inter-

rupt the business of the day, he should only put the House into the possession of his complaint, and of his motion upon it, which was, that the sheriff do attend at the bar of the House on a day to be specified, to answer interrogatories touching his conduct in the above circumstance.

Mr. Hamilton considered it as an extreme hardship to bring a gentleman a journey of nine hundred miles on a surmise. Why not make the motion before? and why, as the election was over, and no injury sustained, make it at all?

Mr. Chancellor Pitt observed, that as the election was made, the complaint might not only be deferred for this day, but delayed for several weeks, until the issue of the petition, complaining of the election, should be known.

Mr. Adam answered, that as he saw there was a serious opposition designed, he should postpone his motion to an open day.

Mr. Chancellor Pitt moved, "that the House do on that day se'nnight resolve itself into a Committee of the whole House, to consider that part of His Majesty's Speech which related to a treaty of navigation and commerce, concluded with the Most Christian King."

Lord George Cavendish said, that still persevering in his sentiments on a discussion so truly important as the treaty with France, there should be the fullest possible attendance of the representatives of the people, it was his design to move for a call of the House. He wished to do this in order; but the motion now made by the right honourable gentleman precluded him. The period was too short for a call. He must therefore move an amendment, by substituting the words "this day fortnight" for "this day se'nnight," and then he should follow the motion thus amended by a motion for a call of the House.

The Speaker having stated the question,

Mr. Fox rose, and remarked that in consequence of the numerous opportunities which had arisen to confirm his idea, that the disposition of the right honourable gentleman was sanguine even to excess, he felt a slighter degree of astonishment at discovering that on this, as on other important topics, he should violently urge on the House, to the consideration of the treaty. But the same experience which he in common with other members had of the consequences of rashly falling in with the wishes of the right honourable gentleman in this respect, prevented him from readily believing that the House would go rashly with him into a discussion, so novel in its quality, and so pregnant with consequences either good or the contrary. It was a new system, in which not only the established doctrines of our forefathers were departed from, but by which the great and most essential

essential principles in our commerce, principles which, whether wise or erroneous had made us opulent, were to be completely changed. Surely a system affecting thus our commerce in its most vital parts, affecting our most intimate and advantageous connections, and which, though it held out present profit to certain branches of our manufactures threatened, according to some opinions, ultimate and final loss to them all, if to be admitted at all, was a system to be admitted only after the most serious and deliberate discussion. What must be the consequences to the character of the nation—what to the dignity of their proceedings, if they should suffer this business to go forth from their hands, accepted on bad grounds partially stated, and not thoroughly understood? There was one thing particular in this treaty—one thing in which it differed from all that ever went before it, and which tended very much to strengthen the argument for a serious deliberation—and that was, that we must take it all or none. It was not a measure, into the detail of which the House could enter with the precaution incident to other topics—of adopting only what part they liked—They must adopt and embrace the whole of the system, or reject it all. On this occasion, though he would not be construed to say, that the general vote given by the House would preclude them from going into the detail, still there was in this measure something essentially different from most questions; for their going into a committee on that day fortnight, as they were desired to do, was not to be considered as the beginning of their deliberation—But on that first discussion, the opinion of the House was to be called for, he supposed, to the general question of the admission of the treaty. It was therefore highly incumbent on them that they should have time maturely to weigh the consequences of a vote which was to have so much efficacy in the final discussion of the subject. No occurrence whatsoever had arisen, the memory of which ought to influence the House on the present occasion; the treaty of navigation and commerce with Ireland; that treaty which was better known in that House by the Irish name of the Irish propositions. On that subject as on the present, the right honourable gentleman deprecated delay. He objected to the arguments of those who recommended to him time and thought. He desired then, as now, to hurry them on without consideration—without time for inquiry—or for collecting the opinions of those who were the most able to judge of the expediency of the measure. Ought not the right honourable gentleman to be thankful to the House for not yielding to his rash proposals? What must have been the consequences to this country if the propositions had passed

in the indigested shape in which he brought them into Parliament, and pressed them on its acceptance? All the dangers would have been incurred which the right honourable gentleman himself afterwards so forcibly enumerated. Fortunate for the country was the wise caution of the House in that instance—Fortunate for the right honourable gentleman himself—Fortunate indeed has been his failing in this as well as in other pursuits, when he has been rescued by the wisdom of the House from the dangers of his own rashness! Never had the good fortune of the right honourable gentleman been more apparent than when he had been unwillingly brought to delay the discussion of his hasty projects; and when the good sense and sober judgement of the House had snatched him from the impending ruin of his sanguine measures. It was not only in the instance of the Irish propositions that he had been thus fortunately checked.—He had also brought in a plan for a commercial treaty with America, and that would admit of no possible delay. The House however, had taught him the rashness of the proceeding; and that bill he never brought again into the House. On that subject he had been made completely to change his mind, in consequence of the lights which he received by prudent delay.

The House would please to consider the size of the object which they were thus required without the necessary information being granted, and without even providing for a full attendance of members, by a call of the House, decidedly to investigate. They were to consider its influence on all that was great in the features of their general commerce—in the principles under which, whether right or wrong, that commerce had flourished—and in its power over their connections with other states, and particularly Portugal. He must still urge how greatly he felt himself alarmed at our connection with that Power. He was not convinced that it would be wise for England to enter into a commercial connection with France, unless it was clearly demonstrated that such a connection was in no wise to affect our valuable connection with Portugal. What was the alternative of this treaty? If there was to be no sacrifice of the revenue arising from wine, there was to be a sacrifice of the Methuen treaty. If the Methuen treaty was not to be sacrificed, then there was to be a sacrifice of revenue in the articles of wines only, to the amount of between 150 and 200,000*l.* a year. He surely should not, in spite of this immense loss, hesitate a moment, if the necessity of the alternative was apparent, which side to take; for the Methuen treaty had justly been considered as the commercial idol of England. There were extravagant rumours out of doors, if they were

to listen to all the extravagant rumours circulated concerning the Portugal trade—that it had fallen off, and that it was no longer to be viewed in the same light as formerly—but to these rumours he could give no ear; and the House ought certainly to know the precise state of the trade. They were, on the contrary, called upon to act in the dark. The question, as far as the relation of Portugal to England went, bore three faces—They were to consider the French treaty either under the idea that the duties on Portugal wines were to be lowered; or, 2. That the Methuen treaty was to be sacrificed; or, 3. That there was a negotiation pending—In which of these faces was he to consider the Portugal trade while discussing the French treaty? It surely ought to be clearly and fully explained to the House, before they were called upon to come to this decision.

Another circumstance most forcibly demanded consideration. A convention had been exchanged, and at length ratified—and this convention was so little of a piece with the treaty, nay, was in some respects so totally dissimilar, that one might have conceived it as possible to decide on the merits of the Irish propositions in their last shape, from having read those which the right honourable gentleman first brought in, as to form a clear and conclusive judgment of the convention from having read the treaty. The convention which gentlemen had only received that day, contained adjustments of duties, and an arrangement of different articles of hardware, which were all so huddled together in the treaty, that the most enlightened of the manufacturers and traders would be puzzled to decide at once on its precise merits. A fortnight only was desired—Surely the right honourable gentleman could not be serious in objecting to a period so short. What did he fear? or what could he possibly have to fear from the delay? He had insinuated that the great body of the people were anxious for the completion of the treaty—If the majority of the people were for the treaty, surely he had nothing to apprehend from delay—If their approbation of it was well-founded, deliberation would only fix them in their opinions more thoroughly; but if he suspected that they were loud in their praise more from the novelty of the object than from their conviction of its merits; that they had, like himself, taken it up hastily, and attracted by the glitter of a French connection, or tempted by the view of immediate profit, had not taken time to sit down and thoroughly weigh the merits of the case; then indeed, the conduct of the right honourable gentleman as a temporiser might be right. He snatched at the seasonable moment to catch the transitory breath of their praise; and seized on their de-

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lusion to betray them into his toil. But he could not think so poorly of the right honourable gentleman. He surely could not be so content with a triumph so obtained. A triumph of this kind he might have had, in the fullest measure of national delirium, if he had pushed the nation to a question on the treaty eight days after its publication. There were a sort of people to whom, in every instance, novelty was attraction. If a measure had the merit of being new and glittering, they were soothed by its appearance, and for a time became subject to its fascination. But this was a sort of magic easily broken. It endured no longer than the novelty itself, and a rational estimate proceeding from cool inquiry followed the momentary intoxication of the senses. Surely the right honourable gentleman could find no true enjoyment in any other than the triumph which should proceed from the aggregate concurring voice of the country, seriously and deliberately pronounced in favour of the treaty which he has negotiated. He must revolt from a triumph obtained over delusion and error. Whilst he earnestly requested time, he must again recall the memorable circumstance of the Irish propositions. What was the case there? When the right honourable gentleman was intreated to allow time for inquiry, and for collecting the sense of the people, he triumphantly pointed to the table, and inquired what petitions there were on the table. What was the consequence of this? The manufacturing bodies in every part of the country, gave the right honourable gentleman petitions in sufficient number—they gave him the most convincing proof not only that he was opposed by the whole body of the people, but that he was wrong in every article of his scheme. From these gentlemen the House had also gained a complete treatise on manufacture and commerce—a treatise which, though given in the case of the Irish treaty, was equally applicable to the French treaty, and would for ever be referred to, and respected in every case of commercial discussion.

He should now beg leave to caution the House against entering rashly into the first discussion, because their first opinion delivered on the treaty was so material. It was not on this as in the Irish treaty—They had no Parliament, jealous of the constitution, like themselves, to revise what they might do. He had been said to have delivered very free opinions about French perfidy, and perhaps he might not think that nation the most faithful in their political contracts of any people in Europe; but he never said that they were so treacherous—that they were so unobservant of their public faith, as to suspect that if the British Parliament were to insert some small passage into the treaty different
from

from the present letter of it, they would reject the whole—The Irish did this—A clause inserted at the conclusion of the inquiry had the good luck to arouse the jealousy of the Parliament of Ireland, and they, much to the satisfaction of every thinking man, rejected the whole scheme; but in this instance we had no such good fortune to expect, and therefore Parliament must be more cautious how they suffered a thing to pass, which once out of their hands, was not likely to meet its doom elsewhere. Such sentiments as he had now expressed, would, he was assured, entirely bear him out in voting for an amendment; and the more particularly, as the consequence of its passing would secure a full House, and as a natural result, a deep investigation of a subject, to which few, if any, were superior in importance.

Sir *Richard Hill* said, that although he happened to rise on the same side of the House, on which the right honourable gentleman, who had just concluded speaking, sat, he by no means meant to support his side of the question. The right honourable gentleman's argument against dispatch reminded him of that right honourable gentleman's conduct respecting a measure of his own, when in office; the India bill of 1784, on which occasion he would not give the House time to have a call take place, before he forced them to decide upon its principle. When that bill was thrown out by the House of Lords, the People joined in praises and thanksgivings at their deliverance from a bill which aimed at setting up an unconstitutional power, and wantonly destroyed the chartered rights of the East-India Company.

Mr. *Fox* admitted, that he had urged the propriety of giving the India bill one stage, but surely without drawing on himself any charge of pushing the House with indecent speed; for it so happened that that was but one of several stages, all of which were equally proper for trying the strength of that question. This was of a very contrary kind, for here the first question gave a colouring to the whole, and seemed to pledge the House for the principle, if not the detail, of the treaty.

Mr. Chancellor *Pitt* said, that the right honourable gentleman was always entitled to very serious attention, but on the present occasion, when he was endeavouring to postpone the discussion of the most important question that could possibly come under the consideration of the House, and which in its very nature, required every degree of dispatch that could be given to it with safety and decorum, as it was one in which the greatest interests of this country were involved, whether considered in a commercial or a political point of view, whether affecting the individual or the Public—when his object was such, it was more than ever

incumbent on him to use the most consummate care to comprehend the drift and tendency of his arguments.—It was besides a matter of curious observation to mark the motives which could induce the right honourable gentleman, whose general characteristic had not hitherto appeared to be delay or procrastination, to wish to impede the discussion of such a subject as the present. An honourable friend of his had, however, suggested a much more alarming motive for delaying the discussion than the right honourable gentleman had been able to discover; and was in so much, not only on the same side of the House, but also on the same side of the question, with the right honourable gentleman, as far as the question related merely to delay. This motive was the precedent which he had stated from the practice of the right honourable gentleman himself, for could any parallel be proved between the present measure and that to which his honourable friend alluded—that rash and inconsiderate measure by which the constitution of this country had been in such imminent danger of being completely overturned and ruined. Could the smallest affinity be made out between the commercial treaty with France, and the right honourable gentleman's well-known India bill, he should shudder at the thought of bringing the consideration of the French treaty forward at all, and would most readily acquiesce in every prospect of delay and hesitation which the right honourable gentleman should make, in every proposal of deliberation and caution that he had himself in the former instance fruitlessly suggested. On a question so much at variance with the principles by which the right honourable gentleman's own practice had been governed, it was naturally to be expected that he would have exerted all his ingenuity, to avoid the appearance of that inconsistency with which, in his political measures, as well as in his political connections, the public opinion had long since charged him. But the right honourable gentleman's arguments, however logical and pointed they might be, were yet by no means methodical and regular. He should therefore endeavour to arrange them in some sort of order, and give them severally and distinctly such answers as he was able. The first argument used by the right honourable gentleman, in favour of a call of the House, was, that such a measure was of course, and obviously right and proper, when a subject of such consequence as that now under consideration was to be discussed. To this he should answer, that certainly a full attendance was extremely desirable on such an occasion:—but surely no man would pretend to say, that a call of the House at the present day would give any better promise of a full attendance than what might *prima facie* be collected from the appearance

appearance of the House at that moment, or even if the House were not full, might naturally have been expected from the magnitude of the subject itself, or the length of time which had intervened between the day in which it was first made public, and that in which it would come to be proposed for discussion; these circumstances would in themselves be sufficient to insure a crowded House, as was evident from the numbers then actually present; whereas it was on occasions where any business of magnitude suddenly and unexpectedly came forward, or where the importance of such business was not of a nature likely to impress itself on the minds of people, that a call was generally resorted to in the one instance, to inform, and in the other, to rouse the attention of the members. The next argument which the right honourable gentleman had used for a call, was, that the present subject being evidently entitled to a full attendance, there had not been sufficient notice given of the time proposed for the discussion to expect that full attendance if not enforced by a call. In answer to this, he observed, that the treaty with France had been made public above four months previous to the meeting of Parliament—that the attention of the kingdom had been very much drawn to it, as it was indeed, of a nature which must naturally interest the minds of men in its event, and that its very magnitude was such as entirely to supersede the necessity of a call—then, as to the want of proper notice having been given of the intention of bringing it on at this period, he should state a few circumstances to the House, to shew that no consideration whatsoever was due to the argument. In the first place, the treaty with France was in itself of such a nature as necessarily demanded a very speedy conclusion; nor could it with safety or propriety be suffered to remain long in suspense. In the next place, it was the subject to which His Majesty in his speech had given the preference, recommending it first and most pointedly to the attention and care of Parliament. But, if those two circumstances were not in themselves sufficient to have taught gentlemen to expect that the business would be speedily brought forward, he should mention a few facts that every gentleman must have in his recollection, by which it would evidently appear, that the motion which he had made, was by no means a surprise, but that full and sufficient notice had been given of his intention to propose an early day for its discussion; and that of course, the motion now made for a call of the House, could be nothing else but an expedient for delaying the consideration of the treaty, and by no means an attempt to procure that treaty the advantage of being discussed in a fuller House than what might from all

circumstances in the ordinary course be fairly expected. Mr. Pitt now recapitulated all which had passed concerning the treaty in that House since the meeting of Parliament, pointing out that it had been his constant practice whenever it was mentioned, to speak of it as a thing necessary to be taken up immediately, nor suffer it to hang a moment longer in doubt than could be avoided. He reminded the House, that a right honourable gentleman (Mr. Burke) had, on the first day of the session given notice, that he should on Thursday, in the second week of the session, move to enter upon the consideration of a subject (the impeachment of Mr. Hastings) which he had declared to be of equal consequence with the French treaty, and which he believed, though not quite so novel as the other right honourable gentleman had complained that the treaty was, yet in another point of view much more deserving of a call, supposing it to be of equal magnitude, inasmuch as it was not in itself so likely to attract the voluntary attendance of the members—that another honourable gentleman who was expected to open the charge on that day (Mr. Sheridan) had on the Friday following come down to the House, and had desired leave to change the day appointed by his right honourable friend, from the Thursday in the second week to the Monday in the third (the present day,) assigning as his reason, that he had informed several gentlemen in the country that the business would not come on until that day; and the honourable gentleman had, at the same time, to clear himself and his friends from any imputation of a desire to procrastinate (though at present it appeared they were not so anxious to avoid a similar imputation) given notice that his right honourable friend (Mr. Burke) was ready on the Thursday in the same week, to move another of the charges against Mr. Hastings;—that he himself had then risen, and informed the honourable gentleman that he could not consent to his monopolizing two days in the third week of the session, as he purposed to take some day in that week for the consideration of the French treaty. This was ten days ago, and yet, at that time, no gentleman had thought of moving for a call of the House. He had again on Thursday last given notice, that he would on the day following, fix a day for the present motion for going into the consideration of the treaty on Monday next, which was a still later day than that which he had first mentioned: yet it unfortunately happened, that one of these notices had unaccountably missed its way to the right honourable gentleman (Mr. Fox) though expressly addressed to an honourable gentleman, not very likely to conceal the communication from him; and the other, although delivered in his own presence, had as

unaccountably been treated with an unusual degree of inattention, or had been forgotten; as, upon Friday last, when he had positively fixed on the present Monday, as the day on which he proposed to make his motion, the right honourable gentleman had declared himself perfectly ignorant of any prior information having ever been conveyed to him on the subject. At neither of those two former notices—that on the Friday of the first, nor on the Thursday of the second week, had any of the gentlemen on the other side thought of moving for a call, although the House was at that time much more thinly attended than it had been since, but on the very next day, (last Friday) when he again more particularly gave notice of the day he intended to have moved for, (although that day was still more distant than any he had yet mentioned, namely, the Monday in the fourth week of the session) there happening to be a much fuller house than any that had met since the opening of the session, the circumstance operated so forcibly on the mind of the noble Lord, that though in thin Houses he had never thought of, in that full House he immediately suggested the necessity of a call. But yet, even then he did not move it, contenting himself with barely mentioning it, as a thing that might be desirable. On the present day, however, the House being as full as it would probably be during the whole session, the noble Lord had brought himself to do what never occurred to him in thin Houses, and what he barely hinted at in a moderately full one, had unaccountably moved for a call of the House.

On the whole, whether such a measure were necessary or not, it was certain that the conduct of those who attempted to bring it about was not such as to give any weight to the proposal; but, for his part, he should be perfectly indifferent about it, were it not for the delay which it must necessarily occasion, and his conviction that a call of the House would not prove a means of bringing a single member more to it than already attended. The call had also been enforced under the idea of giving gentlemen an opportunity of consulting their constituents on the subject of the treaty, before they should come to any decisive vote upon it. As to this, he hoped that no gentleman, knowing, as they all must, that such a question would come forward during the session; and being, as every gentleman appeared to be, fully apprized of its consequence, nay, having the very treaty before them—under such circumstances, he hoped, the gentlemen had not come up to Parliament without having performed that very necessary part of their duty,—the making themselves acquainted with the sentiments of their constituents on a subject in which their interests were so materially concerned.

cerned. And he call'd up n all those gentlemen who represented those parts of the kingdom which flourished most in manufactures and commerce, to declare what were the opinions of their constituents on the subject, and what was the state of expectation and general interest which had been excited in those parts by the prospect of the completion of the French treaty. He would even, on this occasion, appeal to a right honourable gentleman, to whom he should not in general wish to refer a question in which he felt himself deeply involved. He would even appeal to the member for Norwith (Mr. Wyndham) whether he had the authority of his constituents to delay or restrain the execution of the treaty. The right honourable gentleman had made another effort in support of the delay which was the object of the noble Lord's amendment. The late convention entered into between His Majesty and the King of France, subsequent to the conclusion of the treaty, had given him a ground for this part of his conduct. The convention having been concluded, for the purpose of arranging the detail of the general principles established by the treaty, the right honourable gentleman had argued that time ought to be given to gentlemen to examine and weigh the several articles of that detail before they were called upon to form a conclusion as to the principle. He would take upon him to say that no gentleman who had read the convention (and every gentleman had surely had full time to read and consider it since it had been delivered) would venture to assert, that there was a single article contained in it, which could or ought to have any effect on the judgement of the House with respect to the principle of the treaty. The third argument of the right honourable gentleman had a reference to the pending treaty with Portugal; and the right honourable gentleman had contended, that if they were to be in a state of ignorance as to the event of that treaty, it would prove highly impolitic and improper to proceed to a confirmation of the French treaty; whereas if we were to have an account of the fate of that negociation, then they would so far be enabled to go to the consideration of the treaty then before the House.—If there was any strength in this argument of the right honourable gentleman, he was willing, he said, to allow him the benefit of it in its fullest extent; and he would freely acknowledge not only that the treaty with Portugal was not yet concluded, but that there was no prospect of its being concluded previous to the day proposed for the French discussion. Therefore, if the argument could at all tend to support the requisition for delay made by the honourable gentlemen opposite, they had the full benefit of it, and he was willing to make them a present of that concession.

concession. At the same time, the concession, he believed, would turn out to be of no great use to them, when it should be found how the argument would apply. The right honourable gentleman had stated, that, in point of revenue, we were likely to become losers by the reduction of the duties on the Portuguese wines, which, if the provisions of the Methuen treaty were to be maintained, must, after the execution of the French treaty, be reduced by one third of their present amount, and had asked whether the increased importation of French wines would be likely to compensate for that defalcation. To this he would answer, that whether in the article of wines or not, he was prepared to contend, when the treaty with France came fairly under discussion, that even supposing the duties on Portugal wines to be lowered, agreeably to the stipulations contained in our present subscribing treaties with Portugal, (which, as matters at present stood, was by no means certain) that even then, whatever falling off the revenue might sustain in that article, still it would be most amply counterbalanced by the various channels of commerce which this treaty would necessarily then create or improve. Thus, had he had gone through the whole of the right honourable gentleman's arguments as systematically as the vague and incoherent manner in which they were delivered would permit him. In answer to his first argument, that a full attendance was necessary on so very important an occasion, he had shewn, that a call was unnecessary to procure such attendance. To the second, that a farther delay was necessary, he had answered, by proving, that there had been already sufficient time to deliberate, and sufficient notice for preparation. And as to the argument drawn from the pending state of the treaty with Portugal, he had fairly stated how that negotiation rested, and had pledged himself to meet the right honourable gentleman on that ground, and on the principles which he had laid down concerning it. Those three were the only heads of argument used by the right honourable gentleman, which could, in any degree, or with any colour, apply to the point in debate; and he should be satisfied at the refutation which he had given them, were it not for certain additions and embellishments with which the right honourable gentleman had interspersed his speech, partly in the shape of rebukes, and partly of admonitions to him; and to these he must give some answer. The right honourable gentleman had reflected on him for his precipitation and rashness in pushing forward his measures without due deliberation, and had admonished him (no doubt with great sincerity and benevolence) to avoid bringing this matter to so speedy a determination for fear of consequences, which, though

though he had sufficient vigour of imagination to foresee, he yet had not discrimination or accuracy enough to enumerate and describe. But what did the right honourable gentleman mean to consider as precipitation and rashness? Did he hold it to be precipitate and rash to proceed, after more than four months public notoriety, to debate and determine on a measure, by which the attention of the whole nation was engaged, and in which the wishes and interests of those concerned were most materially involved? Did he call this precipitation and rashness? He remembered the time when the right honourable gentleman did not judge in the same way in which it would now appear he did. When he had the misfortune of sitting in the seat now occupied by the right honourable gentleman, he had an opportunity of making his observations on his disposition, and the principles by which he was governed on questions which required the most consummate deliberation. He remembered the right honourable gentleman to have introduced on the the third day of the session, a measure which, from its novelty, (a great cause of censure at present with the right honourable gentleman) from its magnitude, from its obvious effects, and from the terror and alarm with which it filled every thinking mind in the kingdom, seemed eminently entitled to a most deliberate discussion, and a most minute investigation - a measure which, as if conscious of its own malignity, had crept under darkness, and shrunk even from a whisper, and, until that day, had never been heard of in public: and yet, to this measure the right honourable gentleman, in the plenitude of his power and the ardour of his mind, refused to allow that delay, which, even on the most trivial and ordinary occasions, the forms of the House had rendered necessary! A measure which violated every principle of the constitution, overturning the established maxims of government, unhooking the functions of the executive authority, setting up a new and most destructive power in the state, and trampling, without any concern or reflection, on the private property of individuals! A measure, in short, which had stigmatized its abettors with universal odium, and would hand them down to posterity as objects of everlasting reproach! Such was the measure, which, without examination, without even a pause or almost a day's consideration, had been crammed down the throats of that House by the right honourable gentleman. At that time he endeavoured by argument, by persuasion, by entreaty and deprecation, to restrain the right honourable gentleman from the ungovernable rashness by which he seemed actuated, but it had no effect. Here he stated the different periods of the several stages of Mr. Fox's East-India bill in its progress through

the House, and his own attempts to repress the rapidity with which it was pressed forward. Shortly after he had changed his seat in that House, but he had brought with him his principles: but the right honourable gentleman had appeared to have most strangely altered his principles, and was ready, in his present situation, to give, on all occasions, even where the spirit of it could not apply, that advice which, in all cases of the most obvious necessity, he had himself haughtily and superciliously rejected. For his own part, neither had the right honourable gentleman's arguments been able to convince him—his rebukes to intimidate—or his admonitions to alarm him, but he should, with the consent of the House, go into the consideration of the treaty on the ensuing Monday. He should not hesitate to aver, that, upon such an investigation, he could proceed without one anxious pressure upon his mind, more than consoling himself with the reflection that he had acceded to the demand of all proper time for deliberation; that he had come forward with every requisite intelligence, and pursued every measure, in his idea, likely to render the treaty at once permanent and serviceable to this country.

Mr. *Martin* declared, that so far from being of opinion that a call of the House was necessary, he should have very little confidence in those members who would not attend their duty in that House, when a measure of so much importance was to come under consideration, without the enforcement of a call. With respect to the treaty, he was inclined to approve coming to the deliberation of it on the ensuing Monday; and although he did not mean to preclude himself from giving any opinion which might suggest itself to him in the course of the subsequent discussion of it, he was ready to acknowledge, that he saw no manner of objection to breaking through ancient prejudices, and entering into a commercial connection with a liberal, civilized, and powerful neighbouring nation, with a view to promote a lasting harmony between the two countries, and render a war less probable.

Mr. *Francis* expressing his wishes that it might be ascertained to that House under what points of view the Methuen treaty was to be affected by the commercial treaty with France, contended, that the true state of that matter was extremely material to be known. Were they to collect from the right honourable gentleman, that the French treaty was to be discussed and decided upon, without considering the Methuen treaty as done away, or as if it were no longer to exist? Another point had fallen from the right honourable gentleman, which he wished to say a word or two upon, and this was, the India bill of his right honourable friend. He

had not been in Parliament when that bill was brought in, but he knew what passed. That bill had been complained of as an open and avowed stretch of power, justified by those who framed it by the necessity of the case. What was the bill of the right honourable gentleman opposite to him? An insidious trick upon the Company, who now complained that the right honourable gentlemen had stolen that which his right honourable friend professed to take in the face of day.

Mr. Wil-
braham.

Mr. *Wilbraham* observed, that when the right honourable Chancellor of the Exchequer, in the course of his speech, declared that the Methuen treaty was done away by the French treaty, he had enforced an argument, of all others the most unanswerable, in favour of the amendment. Mr. *Wilbraham* asked, if the Portuguese would not have a right to put an immediate stop to the importation of our woollen manufactures with Portugal as soon as the French treaty received the sanction of Parliament? He lamented it, as a fatal blow to our commerce. He observed that our manufacturers felt joy and triumph, when they heard that their manufactures would have a vent in France; but surely that joy and triumph would be converted into lamentation and sorrow, when they heard that the exportation of their goods to Portugal was stopped. He stated the great advantages of that trade in various points of view, and particularly in respect to the navigation and the nursery for our seamen that it afforded, a great number of our vessels being employed in it, and above 5000 seamen. He observed, that, with respect to the treaty with Portugal, he had heard a rumour, and he had it from a very respectable quarter, that Mr. Fawkener had left Lisbon with a final and complete refusal on the part of the Portuguese to enter into a new treaty; that Mr. Fawkener had received this answer a fortnight before he left Lisbon, and that Ministry were in possession of it at least a month ago. He therefore thought it incumbent on the Chancellor of the Exchequer to state the situation of that treaty, if any was pending, fairly and candidly to the House. As to the bill which he had the honour to form relative to the affairs of India, and which was always the resource of the right honourable gentleman when all others failed him; he begged leave to contradict the assertion of the principle of it being debated a week previous to the call of the House. The fact was, that the right honourable gentleman himself had chosen to debate the principle of the question, on the motion for the Speaker's leaving the chair, which was undoubtedly competent for him to do; but that did not preclude the principle of the bill from being afterwards debated; consequently the arguments on that subject were

were futile and nugatory. He willingly forbore to disturb the self-congratulations of the right honourable gentleman on the seat which he had in that House. It was a seat of which he did not wish to dispossess him, on the hard condition of submitting to the terms which had been favoured with a concession from the right honourable gentleman.

Mr. *Burke* observed, that the treaty with France was not to be regarded as a simple commercial treaty; it was relative to other and higher considerations; it bore strongly upon the political interests of the country, and must necessarily affect them deeply. The right honourable Chancellor of the Exchequer, with that narrowness which led men of limited minds to look at great objects in a confined point of view, regarded the treaty, and wished it to be regarded as a commercial consideration. Such men, when in power, converted large cities into small villages, while those of a more noble and more liberal way of thinking acted on a greater scale, and changed small villages into great cities. The right honourable gentleman had talked of the treaty as the affair of two little counting houses, and not of two great countries. He seemed to consider it as a contention between the sign of the Fleur de Lis and the sign of the Red Lion, which house should obtain the best custom. Such paltry considerations were below his notice; but it was a serious thing to hear that Portugal was not to be holden in view, in the discussion of the treaty. That was a novel, and an alarming circumstance, and ought to be generally understood by the People, before their representatives gave a decisive vote on the treaty. The right honourable gentleman had ridiculed the idea of consulting their constituents. He begged to ask, had the manufacturers, of whose acquiescence the right honourable gentleman seemed so sure, been told that the trade to Portugal was to be the price of the trade to France? Where were they apprized of this? in what hall was the meeting held? In regard to a mere commercial view of the treaty with France, perhaps his opinion was much the same with that of the manufacturers, as to the immediate effect of the treaty; but he should never think of consulting them as to the policy of the measure, and its probable political effect on our ancient connection. We were about to truckle and to join ourselves with that power, against which nature designed us as a balance. Mr. Pitt animadverted upon his right honourable friend, Mr. Fox. When animadversion was accompanied with wit, the satire was softened though severe; but when gross, miserable, and stupid abuse made up the whole of what was urged by way of admonition, the effect was lost, and the shaft recoiled on the person who threw it.

The right honourable gentleman had declared he had the misfortune to sit a short time where his right honourable friend then sat. He had spoken feelingly no doubt; the situation on that side of the House was irksome to an aspiring young man, always ill at ease except when in the possession of power and profit. It was wonderful that this right honourable gentleman, mounted on high, and enjoying the favour of Heaven, would condescend to look down on such low creatures as they were. The two sides of the House were in sight indeed of each other, but there was a dreadful gulf between. The right honourable gentleman had mounted the stage on which he exhibited with his merry men about him, by means of a little ladder contrived for the purpose by a state carpenter, and placed behind, by which he could secretly climb aloft. As to the ministerial coalition and their individuals, they were the odds and ends, the scraps stolen from a great merchant's warehouse, to furnish out a pedler's box. They had proved themselves to be slaves, by turning fugitives, and running away. On the contrary, how consistent was the conduct of a noble Lord (North) his respectable adherents how firm.

Mr. Wilberforce.

Mr. *Wilberforce* observed, that the latter part of the right honourable gentleman's (Mr. Burke) speech abounded so much in personalities, and was so totally distant from the real question in debate, that he wished to forget it altogether. He had seen and heard him in his better days. His eloquence had then arrested his attention, and his powers of imagination had charmed him. He was now sorry to find his faculties so far diverted from the prosecution of those great objects, which they were naturally intended to embrace, and his mind so fatally tinged as to treat real wit as if it were stupidity. If these expressions were too harsh, or if he himself, upon cool reflection, did not find them to be perfectly just, he should be apt to consider this circumstance rather as an additional proof of his melancholy situation, than as any argument of his possessing that strength of judgment, connected with that vivacity of imagination, which had so eminently characterized him in the former periods of his life. He himself was no stranger to opposition.—He had seen opposition every where, and to every thing. At the commencement of the session, the torch of opposition had been lighted, and ever since had continued to blaze. But was opposition in the present instance founded in argument? The commercial treaty with France had been in circulation nearly four months. The whole nation during that period had been in possession of it. Time had been given to all the commercial towns and circles to discuss it. They had taken it into consideration, and had decided almost unanimously

mously in its favour. After so long a space for deliberation and judgement, what was now demanded? The motion before the House contained an answer to that question; it required an additional week. The fact was, that this motion went to no proper object. If by it, opposition wanted to gain time for information, they asked too short a period for that purpose. If it was their intention to protract matters to that improper length, which had been stated, they surely asked too much. In no view, therefore, of the motion; either in itself, or in its subsequent tendencies, was it a proper ground of argument or of opposition. Allusion had been made to the Irish propositions; their fate had been mentioned with some degree of triumph. But gentlemen ought not to forget that this very circumstance had aroused the attention of the country to every subsequent commercial regulation which was like to come into parliamentary discussion, and, amongst others, to the treaty concluded with France. The nation had awakened from its former torpid state on these points, and having taken the French treaty into consideration, had given their hearty assent. He spoke with derision at what had been thrown out as articles of material communication, relative to the suspension or abolition of the Methuen treaty in certain events, and considered them as rather displaying the pomp, than containing the reality of information. A distinction had been established between the commercial and political advantages which were likely to accrue from the treaty. It ought not, however, to be viewed in these separate lights. If it was possessed of real commercial advantages, these advantages would soon become political, and it would as soon become the wisdom as well as the interest of both the contracting parties to contribute to its support. On a review of all the arguments which had been stated, and a strict examination of the motion itself, he could really see no shadow of argument to induce the House to postpone the discussion of the business; and he was the more convinced of the propriety of his decision on this point, from a consideration that would always have the greatest weight with him—that his constituents had, after mature deliberation, given the treaty their most sincere approbation. They were people conversant in matters of commerce; they knew the system of trade better than he did; and this was one instance out of many others, in which it became a member of Parliament to trust more to the judgement of his constituents, than presumptuously to rely upon his own opinion.

Mr. Burke answered, that the compliments which were Mr. Burke.
so undeservedly bestowed on him he would forbear to return,
as their scope and meaning were so strongly interwoven with
censure,

censure and disapprobation. However, as he wished to stand well with the honourable gentleman and the House, he would only appeal to their recollection, whether, in the numerous debates which he partook of in Parliament, he was ever known to have proceeded to any degree of personality? The other side of the house might laugh if they thought proper; but he was too much accustomed to that species of insult, not to be able to bear it now with some degree of patience; and, indeed, he addressed himself to the member who preceded him in the debate, and not to the *chorus* which surrounded him.

Mr. Chan-
cellor Pitt.

Mr. Chancellor *Pitt* remarked, that having so many occasions to obtrude himself on the attention, and claim the indulgence of the House, he should not, in the present stage of the debate, detain them for a moment, if he had not been called upon expressly to answer a question which was pressed upon him, relative to our negotiations with Portugal. As to the abusive torrent of invective which had been so illiberally thrown out, he would not condescend to answer it, nor would he even now have deigned to advert to it, if he had not heard the flimsy justification on which the right honourable gentleman that moment excused himself. The manner in which it was delivered, there were few who wished to recollect; and the matter was the more unjustifiable, as whatever personality appeared before in the debate, did not by any means take its rise from him. In abuse and personality to contend with such an opponent, was very far beyond his powers, and much more beyond his wishes: there were some occasions, indeed, when he found himself warm in debate; and for the most natural of all reasons—having so many topics of discussion in which he was materially interested, and peculiarly agitated; but such intemperate, gross, abusive, and outrageous language as was this day made use of, surpassed, beyond comparison, the most violent and injurious expression which ever escaped the lips even of that right honourable gentleman, and consequently of any other person who ever spoke within those walls. For his own part he avoided, even in the most hasty moments, the introduction of personality, not so much from an apprehension of the consequences which might flow from it, and the no less so, when the vengeance was to be taken by the person to whom he alluded. Whenever he met a man whose conduct had produced an unfortunate change of character, and whose ill-temper and spleen were proportioned to the disappointments experienced, and the odium which surrounded him, however such a man may be inclined by abuse and malevolence to reduce other characters on a level with the wretchedness of his own—though such a situation may lay

lay claim to his compassion, that sentiment must naturally be blended with a portion of disgust.

A call of Order! Order! prevailed, and Mr. Fox demanded an answer to his question, when

Mr. Chancellor *Pitt* assured the House, that so far from a final and peremptory refusal having been given to our negotiator at the Court of Portugal, a commission was now actually made out, giving the British Ambassador powers and instructions to that purpose. Mr. Chan-
Pitt.

Mr. *Fox* observed, that nothing could be more ridiculous than the indifference which was now expressed to the representations of his right honourable friend (Mr. Burke); which, though delivered in a slow and solemn tone of voice, was couched in such phrases, as may justly come under the name of insolence; and from the great share it had in a speech, consisting only of two points, seemed fully to contradict the avowed purpose for which the right honourable gentleman rose. He then said, that answer given not being sufficiently satisfactory, he would ask, "Whether it was not declared by the Court of Portugal, that they would not engage in any treaty with Great Britain, unless the duty on their wines was lowered, in proportion to the reduction which this treaty would make on the import duty of wines from France?" Mr. Fox.

To this no answer being given,

Mr. *Burke* expressed a very high sense of obligation for the liberality which he experienced from the Minister. The contempt, indeed, which he made him a present of, did not claim so great a share of gratitude, as it was an article in which the right honourable gentleman so copiously abounded; but as the stock of his compassion was undoubtedly but small, any donation whatever from a fund so trifling, and of which there was so little to spare, as it had the greater merit, should be the more thankfully received. Mr. Burke.

The question being put on the original motion, a division took place, in which the numbers were,

For the motion, 213—Against it, 89.

Lord George Cavendish's amendment was then put, and rejected.

After the division, Sir Francis Basset moved, "that this House be called over on to-morrow fortnight."

Mr. Chancellor *Pitt* said, that from the beginning he conceived the motion for a call, as intended to answer no other purpose, but that of delay. This object, however, being now defeated, he was at a loss to conceive what good end would be produced by the present motion, and was himself indifferent either way, but would leave it to the honourable member Mr. Chan-
Pitt.

member to convince the House either of its expediency, or necessity.

Sir Francis Bassett thought, as the objection of delay was removed, it became them to use every probable means of securing a full attendance.

The question being put, Sir Francis's motion was lost without a division.

The House afterwards sat on the examination of Sir Elijah Impey.

And afterwards adjourned.

Wednesday, 7th February.

Mr. Den p-
Hert. Mr. Dempster observed, that notwithstanding that the present day had been appointed for investigating the nature and deciding the merits of the petitions from India, yet as there was other business of great concern, and meriting the most serious attention, to come before the House, he would move for postponing the consideration of these petitions, until the ensuing week. He was then fully determined to take the opinion of the House relative to a subject of such importance. A motion, therefore, being made, for the dismissal of this affair, until a future day, it passed accordingly.

The motion having been made for the third reading of the lottery regulation bill,

Mr. Fox, Mr. Fox remarked, that he felt himself obliged to withhold his approbation from the design to legalize the insurance on whole lottery tickets, which, he understood, had given great alarm without doors, and was likely to open a road to infinite abuse, by inciting and keeping alive that spirit of gambling among the lower orders of people, which it was their duty as much as possible to check, and, if possible, to prevent. He declared, that he did not wish to debate the bill over again, or to take up much of the time of the House, but the more he considered the matter, the more he was convinced of the necessity of actually prohibiting all sorts of insurance upon tickets. He must, besides, observe, that passing such a bill as the present, just on the eve of the drawing of a lottery, had a very unseemly appearance, and gave rise to a good deal of suspicion. It ought, if such a bill were necessary, to have been brought in during the course of the preceding session, when it could not have been liable to the surmises which naturally arose upon the singular period of time in which the present bill had been brought forward. At present there was every reason to imagine that insuring would increase with a shameful rapidity if the bill passed. He learned, from the observations of his constituents, that the price of tickets had already been considerably

bly affected by what had hitherto passed upon the subject; new lottery offices were taking, and there was every symptom and appearance, that the practice of insurance would grow inordinately. Under the apprehension of these approaching circumstances, he was resolved to take the sense of the House, and oppose the whole bill, unless that part were given up, which legalized insurances.

Mr. Chancellor *Pitt* answered, that it was the professed object of the bill to put an end to that practice of insurance of all sorts, which, in defiance of various acts of parliament, was carried on with the most undeniable notoriety. Such kinds of insurance were productive of the most mischievous effect to the community, without affording any one advantage to the Public; that, on the contrary, the allowing the insurance on a whole ticket, would produce the solid advantage of making the Public gainers by the lottery, to the amount of many thousand pounds, without producing any of the mischievous effects, which would follow, were general and unrestrained insurances permitted. With regard to the argument, that the bill ought to have been brought in during the course of last session, the fact was, that a bill, professing for its object the suppression of the practice of lottery-ticket insurance, had been then brought in, had passed that House, and was rejected in the House of Lords; and, therefore, according to a parliamentary form, another bill, of a similar nature, could not be introduced in the present session.

Mr. *Fox* contended, that were the bill to pass, the Public would derive no pecuniary advantage whatsoever from the present lottery, because they had long since made their bargain, and received all which they could gain. Hereafter, when another lottery should arise, they might gain some thousands more by the original price of tickets, but at present they could not gain more.

Mr. Chancellor *Pitt* repeated his determination to persist in opposing the motion intended to be made, as he considered the whole of the bill to be pregnant with advantage to the Public.

Mr. Alderman *Townsend* begged leave to bring back to the recollection of the House, that the bill introduced, during the course of the preceding session, for the laudable purpose of suppressing the insurance on lottery numbers had been shewn to Government, and was, in fact, their bill, though introduced and conducted through that House by an honourable gentleman and himself. It was a severe, but a sound remedy for the evil; and the honourable gentleman, who introduced it, was ready with him to face all the reproaches which could be raised upon the bill, and all the

odium which clamour could throw upon it. The bill had passed the House with little debate or opposition, but it was rejected by the Lords without a word of argument in debate against it. It was a strange government, he thought, which had not the power of making one branch of the Legislature support the other; but the fact was, that a great lawyer happened to be ill at the time the bill was sent to the other House, and it was there thrown out, after a single flaming speech had been delivered against it. In his mind, Government would have acted wisely, had they brought in that bill again, instead of the present bill, and let it have undergone a fair discussion, and been rejected, if it was to be rejected, after it had been objected by rational argument. The present bill would not answer the end proposed; it would open a door to daily abuse, and the consequence would be, that insuring in the lottery would prevail to a greater degree than ever. He should vote for omitting the clause, to which the right honourable gentleman so properly objected, because the idea of insuring whole tickets leading to no mischief was absurd; any six or seven could purchase a ticket, and insure it over and over, as had been stated the other day; or a person, willing to gamble, by insuring, could borrow a ticket of any lottery office keeper, shew it to the insuring office-keeper, and tell him it was his property, and then insure it without the possibility of any person being able to come at the facts, or recover the penalty. Nor was it possible that the gain of any given number of thousand pounds to the Public could prove an object, compared with the destruction of the morality of the people.

Mr. Fox. Mr. Fox proposed to defer reading the bill a third time, till the day following, but being rejected, the House divided, Ayes (for letting the clause stand part of the bill) 126. —Nees, 97.

The House having resolved itself into a Committee of the whole House, Mr. St. John in the Chair, *on the Fourth Charge against Mr. Hastings, viz. the Resumption of the Jaghires and the Confiscation of the Treasures of the Princesses of Oude,*

Mr. Dempster. Mr. Dempster begged leave, as a preliminary to this important debate, to acquaint the House, that Sir Elijah Impey, having fully and coolly revolved in his mind the nature, scope, and perspicuity of his former evidence, and assisted his fresh researches by the most accurate examination of his papers, discovered, that the answers which he gave to some of the questions put to him, during the course of a preceding evening, were less explicit and decisive than he desired to make them;

them; and, of course, not totally including all which ought to have been submitted to a parliamentary consideration; he therefore, earnestly wished to embrace an opportunity of setting his evidence to rights; and, for that purpose, as well as to save the time of the Committee, he had written the explanation, which he was desirous of giving upon that paper, that it might be read to the Committee. Mr. Dempster then read the paper, the general tendency of which was to authenticate the depositions taken by Sir Elijah at Lucknow, by declaring that the translator had been sworn, and had deposed that the translation was authentic and correct.

Mr. Francis said, that the explanation did not strike him as being, in all respects, satisfactory; nor, indeed, could he discover how it was possible to put the House into a *properly formal* possession of the paper which had been just read, unless Sir Elijah Impey were called to the bar for the purpose of undergoing another examination. Mr. Francis.

Mr. Chancellor Pitt observed, that the idea of the honourable gentleman coincided with his own; and contended that a *viva voce* statement was indispensably requisite. The delivery of this would, surely, consume but little time; and, therefore, why might not the evidence be called immediately? [*Sir Elijah was inquired for, but could not be found.*] Mr. Chancellor Pitt.

Mr. Sheridan now rose; and, during the space of five hours and forty minutes, commanded the universal attention and admiration of the House, by an oration of almost unexampled excellence, uniting the most convincing closeness and accuracy of argument, with the most luminous precision and perspicuity of language; and alternately giving force and energy to truth by solid and substantial reasoning; and enlightening the most extensive and involved subjects with the purest clearness of logic, and the brightest splendour of rhetoric. Every prejudice, every prepossession were gradually overcome by the force of this extraordinary combination of keen, but liberal discrimination; of brilliant yet argumentative wit. It will be a permanent record of Mr. Sheridan's unrivalled abilities, that, on this trying occasion, which, of all others, had divided not only the House of Commons, but the nation at large into a variety of parties, this memorable speech produced almost universal union; with the slight exception of those only, who, from personal gratitude, and the venial influence of even obsolete attachment, persevered in silently supporting what they felt impossible to defend by argument. It is utterly impossible to attempt more than an outline of this unprecedented exertion of talents and judgement—We have endeavoured to prepare a faithful miniature of an unequalled original.—Mr. Sheridan commenced his speech by observing, that had it Mr. Sheridan.

been possible to have received, without a violation of the established rules of Parliament, the paper which the honourable member (Mr. Dempster) had just now read, he should willingly have receded from any forms of the House, for the purpose of obtaining new lights and farther illustration on the important subject then before them; not, indeed, that, on the present occasion, he found himself so ill prepared, as merely, for this reason, to be prevented from proceeding to the discharge of his duty; neither, to speak freely, was he inclined to consider any explanatory additions to the evidence of Sir Elijah Impey so much framed to elucidate, as to perplex and contradict. Needless to his present purpose was it for him to require Sir Elijah, *legally*, to recognize what had been read, in *his* name, by the honourable gentleman. In fact, neither the informality of any subsisting evidence, nor the adducement of any new explanations from Sir Elijah Impey, could make the slightest impression upon the vast and strong body of proof which he should now bring forward against Warren Hastings. Yet, if any motive could have so far operated upon him, as to make him industriously seek for renewed opportunities of questioning Sir Elijah, it would result from his fresh and indignant recollection of the low and artful stratagem of delivering to the members, and others, in this last period of parliamentary inquiry, printed hand-bills of defence, the contents of which bespoke a presumptuous and empty boast of completely refuting all which, at any time, *had*, or even *could* be advanced against Mr. Hastings, on the subject of the fourth article in the general charge of a right honourable member (Mr. Burke). But even this was far beneath his notice. The rectitude and the strength of his cause were not to be prejudiced by such pitiful expedients; nor should he waste a moment in counteracting measures, which, though insidious, were proportionately frivolous and unavailing. Nor would he take up the time of the Committee with any general arguments to prove, that the subject of the charge, which it fell to his lot to bring forward, was of great moment and magnitude. The attention which Parliament had paid to the affairs of India, for many sessions past, the voluminous productions of their Committees on that subject, the various proceedings in that House respecting it, their own strong and pointed resolutions, the repeated recommendation of His Majesty, and their reiterated assurances of paying due regard to those recommendations, as well as various acts of the Legislature, were all of them undeniable proofs of the moment and magnitude of the consideration, and incontrovertibly established this plain, broad fact, that Parliament directly acknowledged that the British

rish name and character had been dishonoured and rendered detested throughout India, by the malversation and crimes of the principal servant of the East-India Company. That fact having been established beyond all question by themselves, and by their own acts, there needed no argument, on his part, to induce the Committee to see the importance of the subject about to be discussed upon that day, in a more striking point of view than they themselves had held it up to public observation. There were, he knew, persons without doors who affected to ridicule the idea of prosecuting Mr. Hastings, and who not inconsistently redoubled their exertions, in proportion as the prosecution became more serious, to increase their sarcasms upon the subject, by asserting that Parliament might be more usefully employed; that there were matters of more immediate moment to engage their attention; that a commercial treaty with France had just been concluded, and that it was an object of a vast and comprehensive nature, and of itself sufficient to engross their attention. To all this he would oppose these questions. Was Parliament mispending its time, by inquiring into the oppressions practised on millions of unfortunate persons in India, and endeavouring to bring the daring delinquent, who had been guilty of the most flagrant acts of enormous tyranny and rapacious speculation, to exemplary and condign punishment? Was it a misuse of their functions to be diligent in attempting, by the most effectual means, to wipe off the disgrace affixed to the British name in India, and to rescue the national character from lasting infamy? Surely no man who felt for either the one or the other would think a business of greater moment or magnitude could occupy his attention, or that the House could with too much steadiness, too ardent a zeal, or too industrious a perseverance, pursue its object. Their conduct in this respect, during the course of the preceding year, had done them immortal honour, and proved to all the world, that however degenerate an example of Englishmen some of the British subjects had exhibited in India, the people of England collectively, speaking and acting by their representatives, felt, as men *should* feel on such an occasion, that they were anxious to do justice, by redressing injuries, and punishing offenders, however high their rank, however elevated their station.

Their indefatigable exertions in Committees appointed to inquire concerning the affairs of India, their numerous, elaborate and clear Reports, their long and interesting debates, their solemn addresses to the throne, their rigorous legislative acts, their marked detestation of that novel and base sophism in the principles of judicial inquiry, (constantly

stantly the language of the Governor-General's *servile dependents*!) that crimes might be compounded, that the guilt of Mr. Hastings was to be balanced by his successes, that fortunate events were a full and complete set-off against a system of oppression, corruption, breach of faith, peculation, and treachery; and finally, their solemn and awful judgement that, in the case of Benares, Mr. Hastings' conduct was a proper object of parliamentary impeachment, had covered them with applause, and brought them forward in the face of all the world, as the objects of perpetual admiration. Not less unquestionably just than highly virtuous was the assertion of the Commons of Great Britain, that there were acts which no political necessity could warrant, and that amidst fragrances of such an inexpressible description, was the treatment of *Chait Sing*. To use the well-founded and emphatic language of a right honourable gentleman (Mr. Pitt) the Committee had discovered in the administration of Mr. Hastings, proceedings of strong injustice, of grinding oppression and unprovoked severity. In this decision the Committee had, also, vindicated the character of his right honourable friend, (Mr. Burke) from the slanderous tongue of ignorance and perversion. They had, by their vote on that question, declared, that the man who brought the charges was no false accuser; that he was not moved by envy, by malice, nor by any unworthy motives to blacken a spotless name; but that he was the indefatigable, persevering, and, at length, successful champion of oppressed multitudes, against their tyrannical oppressor. With sound justice, with manly firmness, with unshaken integrity, had his right honourable friend upon all occasions resisted the timid policy of mere remedial acts—even the high opinion of Mr. Hastings' successor, even the admitted worth of Lord Cornwallis' character, had been deemed by his right honourable friend, an inadequate atonement to India for the injuries so heavily inflicted on that devoted country. Animated with the same zeal, the Committee had, by that memorable vote, given a solemn pledge of their farther intentions. They had audibly said to India—you shall no longer be seduced into temporary acquiescence, by sending out a titled Governor, or a set of vapouring resolutions—It is not with stars, and ribbands, and all the badges of regal favour, that we atone to you for past delinquencies. No—you shall have the solid consolation of seeing an end to your grievances, by an example of punishment for those that have already taken place.—The House has set up a beacon, which, while it served to guide their own way, would also make their motions more conspicuous to the world which surrounded and beheld them. He had no doubt but in their manly determination, to go through the whole of the

the business with the same steadiness which gave such sterling brilliancy of character to their outset, they might challenge the world, to observe and judge of them by the result. Impossible was it for such men to become improperly influenced by a paper, bearing the signature of Warren Hastings, and put, not many minutes before into *their* hands, as well as his own, on their entrance into the House. This insidious paper he felt himself at liberty to consider as a second defence, and a second answer to the charge he was about to bring forward; a charge replete with proof of criminality of the blackest die, of tyranny the most vile and premeditated, of corruption the most open and shameless, of oppression the most severe and grinding, of cruelty the most hard and unparallelled. But he was far from meaning to rest the charge on assertion, or on any warm expressions which the impulse of wounded feelings might produce. He would establish every part of the charge, by the most unanswerable proof, and the most unquestionable evidence; and the witnesses whom he would bring forth to support every fact which he would state, should be, for the most part, one whom no man would venture to contradict—Warren Hastings himself: yet, *this* character had friends, nor were they blameable. They might believe him guiltless because he asserted his integrity. Even the partial warmth of friendship, and the emotions of a good, admiring, and unsuspecting heart, might not only carry them to such lengths, but incite them to rise with an intrepid confidence in his vindication. Again, (Mr. Sheridan added,) would he repeat that the vote of the last session, wherein the conduct of this pillar of India, this corner stone of our strength in the East, this talisman of the British territories in Asia, was censured, did the greatest honour to this House, as it must be the forerunner of speedy justice on *that character*, which was said to be above censure, and whose conduct we were given to understand was not within the reach even of suspicion; but whose deeds were indeed such as no difficulties, no necessity could justify; for where is the situation, however elated, and in that elevation however embarrassed, that can authorize the wilful commission of oppression and rapacity. If, at any period a point arose, on which inquiry had been full, deliberate, and dispassionate, it was the present. There were questions on which party conviction was supposed to be a matter of easy acquisition, and if this inquiry were to be considered merely as a matter of party, he should regard it as very trifling indeed; but he professed to God, that he felt in his own bosom the strongest personal conviction, and he was sensible that many other gentlemen did the same. It was on that conviction that he

believed

believed the conduct of Mr. Hastings, in regard to the Nabob of Oude and the Begums, comprehended every species of human offence.—He had proved himself guilty of rapacity at once, violent and insatiable—of treachery, cool and premeditated—of oppression, useleſs and unprovoked—of breach of faith, unwarrantable and baſe—of cruelty, unmanly and unmerciful—Theſe were the crimes of which, in his ſoul and conſcience, he arraigned Warren Haſtings, and of which he had the confidence to ſay he ſhould convict him. As there were gentlemen ready to ſtand up his advocates, he challenged them to watch him—to watch if he advanced one inch of aſſertion for which he had not ſolid ground; for he truſted nothing to declamation.—He deſired credit for no fact which he did not prove, and which he did not indeed demonſtrate beyond the poſſibility of refutation. He ſhould not deſert the clear and invincible ground of truth, throughout any one particle of his allegations *againſt* Mr. Haſtings, who uniformly aimed to govern India by his own arbitrary power, covering with miſery upon miſery a wretched people, whom providence had ſubjected to the dominion of this country: while in the *defence* of Mr. Haſtings, not one ſingle circumſtance grounded upon truth was ſtated.—He would repeat the words, and gentlemen might take them down. The attempt at vindication was falſe throughout.—Mr. Sheridan now purſuing the *examination* of Mr. Haſtings' defence, obſerved that there could not exiſt a ſingle plea for maintaining that that defence againſt the particular charge now before the Committee was haſty: Mr. Haſtings had had ſufficient time to make it up; and the Committee ſaw that he had thought fit to go back as far as the year 1775, for pretended ground of juſtification from the charge of violence and rapacity.—Mr. Sheridan here read a variety of extracts from the defence, which ſtated the various ſteps taken by Mr. Briſlow in the years 1775 and 1776, to procure from the Begums aid to the Nabob. Not one of theſe facts, as ſtated by Mr. Haſtings, were true. Groundleſs, nugatory, and inſulting were the affirmations of Mr. Haſtings, that the ſeizure of treaſures from the Begums, and the expoſition of their pilfered goods to public auction (unparalleled acts of open injuſtice, oppreſſion, and inhumanity!) were in any degree to be defended by thoſe encroachments on their property, which had taken place *previous* to his adminiſtration, or by thoſe ſales which they themſelves had ſolicited as a favourable mode of ſupplying a part of their aid to the Nabob.—The relation of a ſeries of plain, indiſputable facts would irrecoverably overthrow a ſubterfuge ſo pitiful, a diſtinction ſo ridiculous! It muſt be remembered, that, at that period, the Begums did not *merely* deſire,

desire, but they *most expressly stipulated*, that of the thirty lacks promised, eleven should be paid in sundry articles of manufacture. Was it not obvious, therefore, that the sale of goods, in the first case, far from partaking of the nature of an act of plunder, became an extension of relief, of indulgence, and of accomodation? But however, he would not be content, like Mr. Hastings, with barely making assertions, or, when made against his statement, with barely denying them; on the contrary, whenever he objected to a single statement, he would bring his refutation, and almost in every instance Mr. Hastings himself should be his witness. By the passages which he should beg leave to read, Mr. Hastings wished to insinuate, that a claim was set up, in the year 1775, to the treasure of the Begums, as belonging of right to the Nabob. Mr. Sheridan, from a variety of documents, chiefly from the minutes of the supreme council, of which Mr. Hastings had been the President, explained the true state of that question. Treasure, which was the source of all the cruelties, was the original pretence which Mr. Hastings had made to the Company for the proceeding, and through the whole of his conduct he had alledged the principles of Mahomedanism in mitigation of the severities he had sanctioned; as if he meant to insinuate that there was something in Mahomedanism which rendered it impious in a son not to plunder his mother. But to shew how the case precisely stood, when Mr. Hastings began the attacks, Mr. Sheridan read the minutes of General Clavering, Colonel Monson, and Mr. Francis, who severally spoke of a claim which had been made by the Nabob on the Bhow Begum, in the year 1775, amounting to two one-half lacks: the opinion contained in those minutes was, that women were, on the death of their husbands, entitled by the Mahomedan law only to the property within the Zenana where they lived. This opinion was decisive—Mr. Bristow used no threats—no military execution or rigour were even menaced; the Begums complied with the requisition then made, and the disputed property then claimed was given up: After this, the farther treasure, namely that which was within the Zenana, was confessedly her own—No fresh right was set up—no pretence was made of any kind to the residue—Nay, a treaty was signed by the Nabob, and ratified by the resident, Mr. Bristow, that, on her paying thirty lacks, she should be freed from all farther application, and the Company were bound by Mr. Bristow to guaranty this treaty. Here then was the issue. After this treaty thus ratified, could there be an argument as to the right of the treasure of the Begums? And if the Mahomedan law had ever given a right, was not that right then concluded? To prove, however, the reliance which the Prin-

cesses of Oude had entertained even in the year 1775, of receiving protection and support from the British government; an expectation so fatally disappointed in latter times, Mr. Sheridan read an extract of a letter from the Begum, the mother of the Nabob, to Mr. Hastings, received at Calcutta, December 22, 1775, wherein she says, "If it is *your pleasure* that the mother of the late Nabob, myself, and his other women, and infant children, should be reduced to a state of dishonour and distress, we *must submit*; but if, on the contrary, you call to mind the friendship of the late blessed Nabob, you will exert yourself effectually in favour of us, who are helpless." And again, "if you do not approve of my remaining at Fyzabad, send a person here in your name, to remove the mother of the late Nabob, myself, and about 2000 other women and children, that we may reside with honour and reputation in some other place."—Mr. Sheridan in a regular progression of evidence, proceeded to state the successive periods, and finally to bring down the immediate subject in question to the day in which Mr. Hastings embraced the project of plundering the Begums; and, to justify which, he had exhibited in his defence four charges against them, as the grounds and motives of his own conduct.

1. That they had given disturbance at all times to the government of the Nabob, and that they had long manifested a spirit hostile to his and to the English government.

2. That they excited the Zemindars to revolt, at the time of the insurrection at Benares, and of the resumption of the Jaghires.

3. That they resisted by armed force the resumption of their own Jaghires; and,

4. That they excited, and were accessory to the insurrection at Benares.

To each of these charges, Mr. Sheridan gave distinct and separate answers. First, on the subject of the imputed disturbances which they were falsely said to have occasioned, he could produce a variety of extracts, many of them written by Mr. Hastings himself, to prove that on the contrary they had particularly distinguished themselves by their friendship for the English, and the various good offices which they had rendered the Government.

Mr. Hastings (Mr. Sheridan observed,) left Calcutta in 1781, and proceeded to Lucknow, as he said himself, with two great objects in his mind; namely, Benares and Oude. What was the nature of these boasted resources? That he should plunder one, or both: the equitable alternative of a highwayman, who in going forth in the evening, hesitates which of his resources to prefer—Bagshot, or Hownslow.—

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In such a state of generous irresolution, did Mr. Hastings proceed to Benares and Oude.—At Benares he failed, in his pecuniary object. Then, and not till then—not on account of any ancient enmities shown by the Begums—not in resentment for any old disturbances, but because he had failed in one place, and that he had but two in his prospect, did he conceive the base expedient of plundering these aged women. He had no pretence—he had no excuse—He had nothing but the arrogant and obstinate determination to govern India by his own corrupt will to plead for his conduct. Inflamed by disappointment in his first project, he hastened to the fortress of Chunar, to meditate the more atrocious design of instigating a son against his mother, of sacrificing female dignity and distress to parricide and plunder.—At Chunar was that infamous treaty concerted with the Nabob Vizier, to despoil the Princesses of Oude of their hereditary possessions.—There it was that Mr. Hastings had stipulated with one, whom he called an *independent Prince*, “that as great distress has arisen to the Nabob’s government from the military power and dominion assumed by the Jaghierdars, he be *permitted* to resume such as he may find necessary; with a reserve, that all such, for the amount of whose Jaghiers the Company are guarantees, shall, in case of the resumption of their lands, be paid the amount of their net collections, through the resident, in ready money. And that no English resident be appointed to Furruckabad.”

No sooner was this foundation of iniquity thus instantly established, in violation of the pledged faith and solemn guarantee of the British Government; no sooner had Mr. Hastings determined to invade the substance of justice, than he resolved to avail himself of her judicial forms; and accordingly dispatched a messenger for the Chief Justice of India, to assist him in perpetrating the violations he had projected. Sir Elijah being arrived, Mr. Hastings, with much art, proposed a question of opinion, involving an unsubstantiated fact, in order to obtain even a surreptitious approbation of the measure he had predetermined to adopt. “The Begums being in actual rebellion, might not the Nabob confiscate their property?” “Most undoubtedly,” was the ready answer of the friendly Judge. Not a syllable of inquiry intervened, as to the existence of the imputed rebellion—nor a moment’s pause as to the ill purposes to which the decision of a Chief Justice might be perverted. It was not the office of a friend to mix the grave caution and cold circumspection of a Judge, with an opinion taken in such circumstances: and Sir Elijah had previously declared, that he gave his advice not as a Judge, but as a friend; a character he equally pre-

ferred, in the strange office which he undertook of collecting defensive affidavits on the subject of Benares.

Mr. Sheridan said, it was curious to reflect on the whole of Sir Elijah's circuit at that perilous time. Sir Elijah had stated his desire of relaxing from the fatigues of office, and unbending his mind in a party of health and pleasure: yet wisely apprehending that very sudden relaxation might defeat its object, he had contrived to mix some objects of business, to be interspersed with his amusements. He had, therefore, in his little airing of nine hundred miles, great part of which he went post, escorted by an army, selected those very situations where insurrection subsisted, and rebellion was threatened; and had not only delivered his deep and curious researches into the laws and rights of nations and of treaties, in the capacity of the Oriental Grotius, whom Warren Hastings was to study, but likewise in the humbler and more practical situation of a collector of *ex parte* evidence.—In the former quality, his opinion was the premature sanction for plundering the Begums.—In the latter character, he became the posthumous supporter of the expulsion and pillage of the Rajah Cheit Sing. Acting on an unproved fact, on a position as ideal as a datum of the Duke of Richmond's fabrication, he had not hesitated, in the first instance, to lend his authority as a license for unlimited persecution. In the latter, he did not disdain to scud about India, like an itinerant informer, with a pedlar's pack of garbled evidence and surreptitious affidavits. What pure friendship, what a voucher of unequivocal attachment from a British Judge to such a character as Warren Hastings! With a generous oblivion of duty and of honour; with a proud sense of having authorized all future rapacity, and sanctioned all past oppression, this friendly Judge proceeded on his circuit of health and ease; and while the Governor General, sanctioned by this solemn opinion, issued his orders to plunder the Begums of their treasure, Sir Elijah pursued his progress, and passing through a wide region of distress and misery, explored a country that presented a speaking picture of hunger and of nakedness, in quest of objects best suited to his feelings, in anxious search of calamities most kindred to his inviolate imagination.

Thus while the executive power in India was perverted to the most disgraceful inhumanities, the judicial authority also became its close and confidential associate—at the same moment that the sword of Government was turned to an assassin's dagger, the pure ermine of justice was stained and soiled with the basest and meanest contamination. Under such circumstances did Mr. Hastings complete the treaty of Chunar; a treaty, which might challenge all the treaties
that

that ever subsisted, for containing in the smallest compass the most extensive treachery. Mr. Hastings did not conclude that treaty, till he had received from the Nabob a present, or rather a bribe, of 100,000l.

The circumstances of this present were as extraordinary as the thing itself. Four months afterwards, and not till then, Mr. Hastings communicated the matter to the Company; unfortunately for himself, however, this tardy disclosure was conveyed in words which betray his original meaning; for, with no common incaution, he admits the present "*was of a magnitude not to be concealed.*" Mr. Sheridan stated all the circumstances of this bribe, and averred that the whole had its rise in a principle of rank corruption. For what was the consideration for this extraordinary bribe? No less than the withdrawing from Oude not only all the English gentlemen in official situations, but the whole also of the English army; and that, too, at the very moment when he himself had stated the whole country of Oude to be in open revolt and rebellion.—Other very strange articles were contained in the same treaty, which nothing but this infamous bribe could have occasioned, together with the reserve which he had in his own mind of treachery to the Nabob; for the only part of the treaty which he ever attempted to carry into execution was to withdraw the English gentlemen from Oude. The Nabob, indeed, considered this as essential to his deliverance, and his observation on the circumstance was curious; for though Major Palmer, said he, has not yet asked any thing, I observe it is the custom of the English gentlemen constantly to ask for something from me before they go. This imputation on the English Mr. Hastings was most ready, most rejoiced, to countenance as a screen and shelter for his own abandoned profligacy; and therefore, at the very moment that he pocketed the extorted spoils of the Nabob, with his usual grave hypocrisy and cant, "Go" (he said) to the English gentlemen, go, you oppressive "rascals, go from this worthy unhappy man whom *you* have plundered, and leave him to *my* protection.—You have robbed him; you have plundered him; you have taken advantage of his accumulated distresses; but, please God, he shall in future be at rest, for I have promised him "he shall never see the face of an Englishman again."—This, however, was the only part of the treaty which he even affected to fulfil; and, in all its other parts, we learn from himself, that, at the very moment he made it, he intended to deceive the Nabob; and accordingly he advised *general* instead of *partial* resumption, for the express purpose of defeating the first views of the Nabob; and, instead of giving instant and unqualified assent to all the articles of the treaty,

treaty, he perpetually qualified, explained, and varied them with new diminutions and reservations. Mr. Sheridan called upon gentlemen to say, if there was any theory in Machiavel, any treachery upon record, if they had ever heard of any cold Italian fraud which could in any degree be put in comparison with the disgusting hypocrisy, and unequalled baseness which Mr. Hastings had shewn on that occasion.

After having stated this complicated infamy in terms of the severest reprehension, Mr. Sheridan proceeded to observe, that he recollected to have heard it advanced by some of those admirers of Mr. Hastings, who were not so implicit as to give unqualified applause to his crimes, that they found an apology for the atrocity of them in the greatness of his mind. — To estimate the solidity of such a defence, it would be sufficient merely to consider in what consisted this prepossessing distinction, this captivating characteristic of greatness of mind. Is it not solely to be traced in great actions directed to great ends? In them, and them alone, we are to search for true estimable magnanimity: to them only can we justly affix the splendid title and honours of real greatness. There was indeed another species of greatness, which displayed itself in boldly conceiving a bad measure, and undauntedly pursuing it to its accomplishment. But had Mr. Hastings the merit of exhibiting either of these descriptions of greatness; even of the latter? He saw nothing great, nothing magnanimous, nothing open, nothing direct in his measures, or in his mind. On the contrary, he had too often pursued the worst objects by the worst means. His course was an eternal deviation from rectitude. He either tyrannised or deceived; and was by turns a Dionysius and a Scapin. As well might the writhing obliquity of the serpent be compared to the swift directness of the arrow as the duplicity of Mr. Hastings' ambition to the simple steadiness of genuine magnanimity. In *his* mind all was shuffling, ambiguous, dark, insidious, and little: nothing simple, nothing unmixed: all affected plainness, and actual dissimulation. A heterogeneous mass of contradictory qualities; with nothing great but his crimes, and even those contrasted by the littleness of his motive, which at once denoted both his baseness and his meanness, and mark'd him for a traitor and a trickster: nay, in his stile and writing, there was the same mixture of vicious contrarieties. The most groveling ideas he conveyed in the most inflated language, giving mock consequence to low cavils, and uttering quibbles in heroics; so that his compositions disgusted the mind's taste as much as his actions excited the soul's abhorrence. Indeed this mixture of character seemed by some unaccountable, but inherent quality, to be appropriated, though

in inferior degrees, to every thing that concerned his employers. He remembered to have heard an honourable and learned gentleman (Mr. Dundas) remark, that there was something in the first frame and constitution of the Company, which extended the fordid principles of their origin over all their successive operations, connecting with their civil policy, and even with their boldest achievements, the meanness of a pedlar, and the profligacy of pirates. Alike in the political and the military line could be observed *Auctioneering Ambassadors* and *Trading Generals*. And thus we saw a revolution brought about by *affidavits*; an army employed in *executing an arrest*; a town besieged on a *note of hand*; a Prince dethroned for the *balance of an account*. Thus it was they exhibited a Government, which united the mock majesty of a bloody sceptre, and the little *traffic of a merchant's counting house*, wielding a truncheon with one hand, and *picking a pocket with the other*.—Mr. Sheridan now went into a long statement to shew the various irrefragable proofs exhibited in the minutes of the Bengal council, of the falsity of the charge, viz. That the Begums were the ancient disturbers of the government. And equally to prove that the second charge also (namely, that the Begums had incited the Jaghiredars to resist the Nabob) was no less untrue; it being substantiated in evidence that not one of the Jaghiredars *did* resist.

Mr. Sheridan maintained that it was incontrovertible that the Begums were not concerned either in the rebellion of Bulbudder, or the insurrection at Benares, nor did Mr. Hastings ever once *seriously* believe them guilty. Their *treasures* were their *treasons*, and Asoph ul Dowlah thought like an unwise Prince, when he blamed his father for leaving him so little wealth. His father, Shujah ul Dowlah, acted wisely in leaving his son with no temptation about him, to invite acts of violence from the rapacious. He clothed him with poverty as with a shield, and armed him with necessity as with a sword.

The third charge was equally false. Did they resist the resumption of their own Jaghiredars? Though if they *had* resisted, he contended, that there would have been no crime; for those Jaghires were by solemn treaty confirmed to them; but on the contrary, there was not one syllable of charge, against them. The Nabob himself, with all the load of obloquy which he incurred, never imputed to them the crime of stirring up an opposition to his authority.

To prove the falsehood of the whole of this charge, and to shew that Mr. Hastings originally projected the plunder, that he threw the odium in the first instance on the Nabob, that he imputed the crimes to them before he had received

one of the rumours which he afterwards manufactured into affidavits, Mr. Sheridan recommended a particular attention to dates; and he deduced from the papers these facts;—that the first idea was started by Mr. Hastings on the 15th of November, 1781; that Mr. Middleton communicated it to the Nabob, and procured from him a formal proposition on the 2d of December; that on the first of December Mr. Hastings wrote a letter to Mr. Middleton confirming the first suggestion made through Sir Elijah, which letter came into the hands of Mr. Middleton on the 6th of December. He stated all the circumstances of the pains taken by Mr. Middleton to bring the Nabob at length to issue the *Perwannas*, and coupled this with the extraordinary minute written by Mr. Hastings on his return to Calcutta, where he stated the resistance of the Begums to the execution of the resumption on the 7th of January, 1782, as the cause of the measure in November 81. Mr. Sheridan then proceeded to prove, that the Begums were by their condition, their age, and their infirmities, almost the only two souls in India who could not have a thought of distressing that government, by which alone they could hope to be protected; and that to charge them with a design to depose their nearest and dearest relation, was equally absurd. He did not endeavour to do this from any idea, that because there was no motive for the offences imputed to these women, it was therefore a necessary consequence that such imputations were false. He was not to learn that there was such a crime as wanton, unprovoked wickedness. Those who entertained doubts on this point need only give themselves the trouble of reading the administration of Mr. Hastings. But, as to the immediate case, the documents on the table would bear incontrovertible testimony that insurrections had constantly taken place in Oude. To ascribe it to the Begums was wandering even beyond the improbabilities of fiction. It were not less absurd to affirm, that famine would not have pinched, nor thirst have parched, nor extermination have depopulated—but for the interference of these old women. To use a strong expression of Mr. Hastings on another occasion, “The good which those women did was certain—the ill was precarious.” But Mr. Hastings had found it more suitable to his purposes to reverse the proposition; yet wanting a motive for his rapacity, he could find it only in fiction. The simple fact was, their treasure was their treason. But “they complained of the injustice.” GOD OF HEAVEN, had they not a right to complain! After a solemn treaty violated, plundered of all their property, and on the eve of the last extremity of wretchedness, were they to be deprived of the last resource of impotent wretchedness—complaint and lamentation!

tion! Was it a crime that they should croud together in fluttering trepidation like a flock of restless birds on seeing the felon kite, who, having darted at one devoted bird, and missed his aim, singled out a new object, and was springing on his prey with redoubled vigour in his wing, and keener vengeance in his eye.—The fact with Mr. Hastings was precisely this:—Having failed in the case of Cheit Sing, he saw his fate; he felt the necessity of procuring a sum of money somewhere, for he knew *that* to be the never-failing receipt to make his peace with the Directors at home. Such, Mr. Sheridan added, were the true substantial motives of the horrid excesses perpetrated against the Begums! Excesses, in every part of the description of which, he felt himself accompanied by the vigorous support of most unanswerable evidence; and upon *this* test would he place his whole cause: let gentlemen lay their hands upon their hearts, and with truth issuing, in all its purity, from their lips, solemnly declare whether they *were* or *were not* convinced that the *real* spring of the conduct of Mr. Hastings, far from being a desire to crush a rebellion, (an ideal, fabulous rebellion!) was a malignantly rapacious determination to seize, with lawless hands, upon the treasures of devoted, miserable, yet unoffending victims.

Mr. Sheridan now adverted to the affidavit made by Mr. Middleton; and after stating how futile were the grounds upon which he had, to the satisfaction of his conscience, proceeded to the utmost extremity of violence against the Begums, he exclaimed, The God of JUSTICE forbid that any man in this House should make up his mind to *accuse* Mr. Hastings on the ground which Mr. Middleton took for *condemning* the Begums; or to pass a verdict of guilty for the most trivial misdemeanor against the poorest wretch that ever had existed.—He then revised and animadverted on the affidavits of Colonel Hannay, Colonel Gordon, Major Mac Donald, Major Williams, and others.—Major Williams, among the strange reports that chiefly filled these affidavits, stated one that *he* had heard—namely, that 50 British troops, watching 200 prisoners, had been surrounded by 6000 of the enemy, and relieved by the approach of *nine* men. And of such extraordinary hearsay-evidence were most of the depositions composed. Considering therefore the character given by Mr. Hastings to the British army in Oude, “that they manifested a rage for rapacity and peculation,” it was extraordinary that there were no instances of stouter swearing.—But as for Colonel Gordon, he afforded a flagrantly conspicuous proof of the *grateful spirit and temper* of affidavits designed to plunge these wretched women in irretrievable ruin. Colonel Gordon was, just before, *not merely released from danger, but preserved from imminent death* by the very person whose ac-

cuſer he thought fit to become; and yet, *incredible* as it may appear, even at the expiration of two little days from his deliverance, he depoſes againſt the diſtreſſed and unfortunate woman who had become his *ſaviour*, and *only upon hearſay evidence* accuses her of crimes and rebellion.—GREAT GOD of JUSTICE ! (exclaimed Mr. Sheridan) canſt THOU from thy eternal throne look down upon ſuch premeditated turpitude of heart, and not fix ſome mark of dreadful vengeance upon the perpetrators ? --- Of Mr. Mac Donald, he ſaid, that he liked not the memory which remembered things better at the end of five years than at the time, unleſs there might be ſomething ſo relaxing in the climate of India, and ſo affecting the memory as well as the nerves, “ the ſoft figures melting away,” and the images of immediate action inſtantly diſſolving, men muſt return to their native air of England, to brace up the mind as well as the body, and have their memories, like their ſinews, reſtrung.

Having painted the looſe quality of the affidavits, he ſaid, that he muſt pauſe a moment, and particularly addreſs himſelf to one deſcription of gentlemen, thoſe of the learned profeſſion, within thoſe walls. They ſaw that that Houſe was the path to fortune in their profeſſion; that they might ſoon expect that ſome of them were to be called to a dignified ſituation, where the great and important truſt would be repoſed in them of protecting the lives and fortunes of their fellow ſubjects. One right honourable and learned gentleman, in particular, (Sir Lloyd Kenyon) if rumour ſpoke right, might ſuddenly be called to ſucceed that great and venerable character, who long had ſhone the brighteſt luminary of his profeſſion, whoſe pure and ſteady light was clear even to its lateſt moment, but whoſe laſt beam muſt now too ſoon be extinguished. That he would aſk the ſuppoſed ſucceſſor of Lord Mansfield, to calmly reflect on theſe extraordinary depoſitions, and ſolemnly to declare, whether the maſs of affidavits taken at Lucknow would be received by him as evidence to convict the loweſt object in this country ? If he ſaid it would, he declared to God he would ſit down, and not add a ſyllable more to the too long treſpaſs which he had made on the patience of the Committee.

Mr. Sheridan went farther into the expoſure of the evidence, into the compariſon of dates, and the ſubſequent circumſtances, in order to prove that all the enormous conſequences which followed from the reſumption, in the captivity of the women, and the imprifonment and cruelties practiſed on their people, were ſolely to be aſcribed and to be imputed to Mr. Haſtings. After ſtating the miſeries which the women ſuffered, he ſaid that Mr. Haſtings had once remarked, that a mind touched with ſuperſtition might have
con-

contemplated the fate of the Rohillas with peculiar impressions. But if indeed the mind of Mr. Hastings could yield to superstitious imagination; if *his* fancy could suffer any disturbance, and even in vision, image forth the proud spirit of Sujah Dowlah, looking down upon the ruin and devastation of his family, and beholding that palace which Mr. Hastings had first wrested from his hand, and afterwards restored, plundered by that very army with which he himself had vanquished the Mahrattas; seizing on the very plunder which he had ravaged from the Rohillas; that Middleton, who had been engaged in managing the previous violations, most busy to perpetrate the last; that very Hastings, whom, on his death bed, he had left the guardian of his wife and mother, and family, turning all those dear relations, the objects of his solemn trust, forth to the merciless seasons, and to a more merciless soldiery! A mind touched with superstition must indeed, have cherished such a contemplation with peculiar impressions!—That Mr. Hastings was regularly acquainted with all the enormities committed on the Begums there was the clearest proof;—It was true that Middleton was rebuked for not being more exact. He did not, perhaps, descend to the detail; he did not give him an account of the number of groans which were heaved; of the quantity of tears which were shed; of the weight of the fetters; or of the depth of the dungeons: but he communicated every step which he took to accomplish the base and unwarrantable end. He told him, that to save appearances they must use the name of the Nabob, and that they need go no farther than was absolutely necessary; this he might venture to say without being suspected by Mr. Hastings of too severe a morality.

The Governor General, also, endeavoured to throw a share of the guilt on the Council, although Mr. Wheeler had never taken any share, and Mr. Macpherson had not arrived in India when the scene began.

After contending that he had shrunk from the inquiry ordered by the Court of Directors, under a new and pompous doctrine, that the majesty of Justice was to be approached with supplication, and was not to degrade itself by hunting for crimes, forgetting the infamous employment to which he had appointed an English Chief Justice, to hunt for criminal charges against innocent, defenceless women—Mr. Sheridan said, he trusted that that House would vindicate the insulted character of Justice; that they would demonstrate its true quality, essence, and purposes—they would demonstrate it to be, in the case of Mr. Hastings, active, inquisitive, and avenging.

Mr. Sheridan remarked, that he heard of factions and parties in that House, and knew they existed. There was

scarcely a subject upon which they were not broken and divided into sects. The prerogative of the Crown found its advocates among the representatives of the people. The privileges of the people found opponents even in the House of Commons itself. Habits, connections, parties, all led to diversity of opinion. But when inhumanity presented itself to their observations, it found no division among them: they attacked it as their common enemy, and, as if the character of this land was involved in their zeal for its ruin, they left it not till it was completely overthrown. It was not given to that House, to behold the objects of their compassion and benevolence in the present extensive consideration, as it was to the officers who relieved, and who so feelingly describe the extatic emotions of gratitude in the instant of deliverance. They could not behold the workings of the hearts, the quivering lips, the trickling tears, the loud and yet tremulous joys of the millions whom their vote of this night would for ever save from the cruelty of corrupted power. But though they could not directly see the effect, was not the true enjoyment of their benevolence increased by the blessing being conferred unseen? Would not the omnipotence of Britain be demonstrated to the wonder of nations, by stretching its mighty arm across the deep, and saving by its *fat* distant millions from destruction? And would the blessings of the people thus saved dissipate in empty air? No! if I may dare to use the figure,—we shall constitute Heaven itself our proxy, to receive for us the blessings of their pious gratitude, and the prayers of their thanksgiving.—It is with confidence, therefore, Sir, that I move you on this charge, “That Warren Hastings be impeached.”

[On the conclusion of Mr. Sheridan's speech, not only the Members in every part of the House, and also the Peers who attended this important debate, but the fullest gallery too, which was chiefly composed of men of the most eminent talents and consideration, testified their admiration with the most animating and even tumultuous enthusiasm. No instance, we believe, has ever occurred in parliamentary history of such unanimous approbation; not even on the celebrated occasion when Mr. Grattan stood forth in the Irish Parliament the successful champion of the constitution and freedom of that country. After a considerable suspension of the debate, it was at length with much difficulty that Mr. Burges was permitted to be heard.]

Mr. Burges.

Mr. *Burges* then rose, and said,

SIR,

After such a wonderful display of eloquence, such a matchless exertion of ability, unequalled probably in this or in any other assembly; after the attention of the Committee has

has been engaged and fascinated for more than five hours and an half, it is not only a most arduous task, but it is a presumption of no common nature, to dare to arise, even though in the cause of justice, and in defence of a great and injured man. How great indeed must be my presumption, rising as I do, for the first time, within these walls, unused to parliamentary discussions, and weighed down by those apprehensions which naturally must affect a man who dates his parliamentary existence from a period no longer ago than last Wednesday. Sensible of these disadvantages, I yet will not apologise, nor will I supplicate for indulgence. If, in such a cause, any man can prefer his feelings to a conscientious discharge of his duty, he deserves not the honour of sitting here to determine on a question so nearly concerning the interests and honour of a distinguished fellow subject, so material to the interests and honour of this country. I am most happy, Sir, that it falls to my lot to give my first voice in Parliament in vindication of a man, who has extended the glory of this country farther than any man who has preceded him, and to whom, while we are listening to accusations against him, all Europe and all the world look up with astonishment and veneration.

Let it not be supposed, Sir, that any motives but these influence me. To Mr. Hastings I am an absolute stranger: I never saw him, nor ever had I the slightest communication or correspondence with him: but I am not ignorant of his character; I am not unacquainted with his services; nor am I less assured of the combination formed to oppress him; to defeat his great and well-founded hopes of honours and of thanks; and to wipe off, by his persecution, that stigma which the suppression of former prosecutions has brought upon certain individuals.

The honourable gentleman, who so ably has opened this charge, set out with commenting upon the undue methods used by Mr. Hastings to influence the minds of those who now sit as judges upon his conduct. The generality of the accusation has been reduced to one fact—a paper, signed Warren Hastings, containing a vindication of his conduct, was delivered this day in the lobby. He has not told us the contents of that paper: we do not know whether they were bad or good; nor is there evidence that Mr. Hastings was the author. In answer to this I will say, that various and most atrocious attempts have been made by Mr. Hastings' prosecutors to influence and to inflame the minds of this House and of the Public against him. This very House has been made the channel of these publications. The Tenth Report of the Secret Committee has been re-published, with a preface, open to the perusal of every man, containing the
most

most invidious charges, and evidently calculated to make this appeal to our judgements a matter of party. The very charge now in question, written, as it is well known, by a member of this House, deserves a similar censure. It contains facts, as accusations against Mr. Hastings, which the author must have known could never be applied to him. The first six articles are all of this description.

Of these, the first and third relate to transactions bad indeed, and deserving of the severest censure, which were done at a time when Mr. Hastings was in a decided and constant minority; when the whole government of that part of India was in the hands of General Clavering, Colonel Monson, and Mr. Francis, the last of whom now stands forward as an active manager of those accusations, for which, if they are criminal, and I affirm that they are highly criminal, the majority who did them only can be censured. The treaty of Allahabad, confirmed by the treaty of Benares—a treaty made by two great powers, competent to contract, was by them most rashly and unjustly broken, contrary to its express purport and meaning, and a new treaty, that of Fyzabad, was by them made; in consequence of which the additional British troops were stationed in the province of Oude, and in consequence of which not only all the evils mentioned in these charges fell upon the Nabob's dominions, but the dissatisfaction of the Begums, the subsequent withdrawing of all the principal persons in that province from us, and the very rebellion in question, took place. I say this in the presence of one of that majority, and I will confirm what I have said by the testimony of Mr. Orde, a gentleman certainly well acquainted with this transaction, who, in this House, affirmed, that the infraction of the treaty of Benares was the most daring and shameful breach of a public treaty he had ever heard of.

The second article of the charge accuses Mr. Hastings of having recalled Mr. Bristow, and of having appointed Mr. Middleton his agent at the Court of Oude. The answer to this is short and plain. He appointed that man to execute his orders on whom he could depend; on Mr. Bristow he could not. During Mr. Bristow's administration the above circumstance occurred; and, while he continued at Lucknow, it is notorious that the great complaints originated, and the principal mischiefs happened throughout the province.

The fourth article accuses Mr. Hastings of having refused to remove the British troops stationed in Oude. If these troops were a grievance, the majority who placed them there must be answerable for it. Mr. Hastings, it is true, did

did not consent to remove them in the year 1779; because, as it was a year of war, their sudden removal would have left the province unprotected: but it is equally true, that, in the year 1781, when similar reasons no longer existed, he did remove them, upon a firm conviction of the iniquity and injustice of their having been stationed there.

The fifth article charges Mr. Hastings with having advised the Nabob to extort from the Begums several large sums of money. This is equally untrue with the former. The whole transaction, such as it was, was conducted solely by Mr. Bristow, and was not communicated to the Council until it was actually completed. Of that Council, as I have said, Mr. Hastings was then an inefficient member.

The sixth article states as a fact, that the Begums were charged with the maintenance of the late Nabob's women; and this is afterwards enforced by the fifty-first, fifty-second, fifty-third, fifty-fourth, fifty-fifth, fifty-sixth, and sixty-first articles, which contain a dismal story of the hardships they underwent in the Zenana. That this supposed fact is untrue is most clearly proved by a letter from the Nabob in 1779, (to be found in the Tenth Report of the Secret Committee) wherein he states, that his affairs were in such a distressed condition, that the women of the late Nabob, his father, to whom, with their children, he had granted only a fourth part of their former appointments, had received nothing for two years.

This, Sir, is the nature of the charges against Mr. Hastings. I must farther observe, that a total absence of dates prevails through those I have noticed: a circumstance which can be calculated merely to deceive the Committee, and to make the world imagine that Mr. Hastings had done the things which in fact he ineffectually opposed.

The principal charges against Mr. Hastings may be reduced to the following heads:—His concluding the treaty of Chunar, by which the guarantee of the Company was withdrawn, and the jaghires of the Begums were permitted to be resumed — His instigating or permitting the confiscation of the Begums' treasures — and the measures which were taken to enforce the payment of sixty lacks of rupees, for which that confiscation was compromised. I will endeavour very briefly to consider these several points, and to prove that not on one of them was Mr. Hastings to be blamed.

In the month of September, 1781, Mr. Hastings' situation, as well as the situation of all the English under his government, was most critical and hazardous. A violent rebellion raged throughout the country: he was obliged to take refuge at Chunar, under the most imminent peril: his resources had totally failed. At this time the Nabob of
Oude

Oude voluntarily came to his assistance. His conduct was generous and friendly to an extreme: it was such as was calculated to impress with gratitude a generous heart. Mr. Hastings felt and acknowledged the obligation. Impressed with these sentiments on one hand, feeling on the other the urgent necessity of the Company, the immense debt due from the Nabob, amounting to seventy-five lacks, or nearly 900,000l.; convinced by certain testimony that the Begums had rebelled, and had endeavoured the destruction of the English: impressed, I say, by these sentiments, and wisely, as I am not afraid to assert, considering that the Begums, by their hostile conduct, had dissolved the ties of the treaty, and consequently of the Company's guarantee, he assented to the Nabob's proposal, and, on the 19th of September, 1781, signed the treaty of Chunar.

This treaty consists of two parts; the one containing, among other articles, this of the resumption of the jaghires, with an express stipulation that a full equivalent should be allowed for them, and that the resumption should be general.

To ascertain the point of Mr. Hastings's guilt or innocence, it will be necessary to inquire what a jaghire is? — whence the jaghires in question originated? — how far the Company was bound by the guarantee? — and whether the Begums had committed any acts amounting to a breach of their allegiance?

A jaghire is properly a rent issuing out of lands conferred on a subject by the sovereign. The lands themselves are usually given as a security; but both the jaghire and the lands on which it is secured are resumable, without equivalent, at the pleasure of the donor.

The jaghires in question were precisely of this description. The only pretence which the Begums could set up of an exclusive right to retain them was founded on the agreement entered into between them and the Nabob, to which Mr. Bristow added the guarantee of the Company.

In the year 1776, the situation of the Nabob being almost desperate, owing to the regulations introduced by the majority of the Council in 1775, he applied to his mother for part of his father's treasure, to the whole of which he was entitled by the Mahommedan law, but which she obstinately retained. In this application he was strongly supported by the British Resident. Mr. Bristow, who, in the most express words, recognised his claim, and, by threats, and even an appearance of violence, compelled the Begum to advance to her son thirty lacks of rupees, or about 360,000l.

It must be observed, that at this time Mr. Bristow assured the Council that the treasures of the late Nabob, then in the Begum's hands, amounted to at least one hundred and seventy lacks

lacks, or nearly two millions sterling; consequently she still had remaining at least more than a million and an half, to which, by his own authority, she had no right.

On the payment of these thirty lacks, an agreement was made between the Nabob and his mother, that she should enjoy, during life, the jaghires which had been granted to her by Sujah ul Dowlah, her late husband, and that no more pecuniary demands should be made upon her. At the same time the Nabob conferred on her new jaghires, amounting to 50,000*l.* per annum.

To this agreement Mr. Bristow added the Company's guarantee, for which he had no authority; but which the Council afterwards confirmed, from the urgency of the case; the effective majority, however, agreeing with Bristow, that the Begum had no legal title to the treasures in question.

Within a very short time after this transaction we find it recorded in the minutes of the Council, that the Begum had forfeited the protection of the Company by having infringed the treaty they had guaranteed. This was the sentiment of Mr. Bristow, this was the sentiment of Colonel Monson and Mr. Francis.

At the same time, and the evidence is recorded in the same place, Mr. Bristow, who was an eye witness, of what she did, affirmed that the Begum was disaffected to the English, and pressed her strongly to give up her jaghires for an equivalent, being of opinion that they were likely to become dangerous engines in her hands, and using a very remarkable expression, that two rulers were too much for one country.

This early disaffection of the Begums has since been confirmed by the evidence of Colonel Stewart at our bar.

In spite, however, of all this evidence, and in spite of all suspicions, Mr. Hastings, after he resumed the reins of power in September, 1776, sacredly maintained the guarantee of the Company, and actually prevented the Nabob from resuming the jaghires, until, in 1781, such convincing proofs appeared of the destructive nature of these jaghires to the Nabob's revenue, of the danger arising from them to the very existence of his government, and of their having been made the sources of feeding a rebellion both against their sovereign and against the English, that Mr. Hastings no longer thought himself justified in refusing to accede to the Nabob's proposals. He accordingly executed the treaty of Chunar, withdrew the guarantee, and permitted the resumption of the jaghires.

A guarantee is nothing more than an interference of a third power, to secure or to compel the exact and just performance of a treaty entered into by two other powers. From the nature of this definition it appears, that the power

guaranteeing is no longer bound than during the continuance of the treaty, and that it is justified in withdrawing its protection from the party infringing the treaty. It farther appears, that the power guaranteeing is bound to support the party who maintains the treaty against the party who breaks it.

If it is true that all treaties and mutual compacts between states lose their existence with a state of war, it follows, that, in a state of rebellion, which is the most atrocious species of war, they must be annihilated.

The treaty, therefore, between the Nabob and the Begums ceased to exist when the Begums rebelled against him; and as a guarantee depends upon the treaty, the guarantee of the Company ceased also to be binding.

That the Begum had broken the treaty, had forfeited her allegiance by levying war, had rebelled against the Nabob, and had endeavoured to extirpate the English, will appear from unquestionable evidence now before the Committee.

Without particularly stating that evidence, I will refer the Committee to Colonel Balfour's letter of the 28th of August 1781, to Mr. Middleton's letter of the 17th of October, to Colonel Hannay's, Major Macdonald's, and Lieutenant Gordon's depositions, and to Sir Elijah Impey's deposition. From all these it clearly appears, that early in September 1781 the Begums had rebelled against the Nabob; had actually opposed his forces by their own; had entered into Cheit Sing's rebellion; had sent a thousand armed men to his assistance; and had attempted to extirpate the English. The above authorities are in every one's hands; they may be read, and the truth of what I assert may be known.

A farther proof of what I have advanced will arise from the circumstance of the Nabob's arrival at Chunar on the 11th of September. He certainly was well informed of what had happened in his own dominions; particularly, as he had not been farther from Fyzabad, the principal scene of these disturbances, than 100 miles. That he must have informed Mr. Hastings of what he knew; that he founded his demand of a resumption of the jaghires on that knowledge; that Mr. Hastings was convinced of the necessity of acceding to his proposals, is a fact too plain to require any comment: if it did require any corroboration, the records of the Council afford one not to be disputed. On the 18th of September, the day immediately preceding the execution of the treaty, Mr. Hastings wrote to the Council, informing them that the province of Oude had caught the contagion.

Under these impressions, the reality of which were afterwards confirmed on oath, Mr. Hastings, knowing what a guarantee was, and how far the obligation of it extended,

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consented to a resumption of the jaghires on the same principle which has invariably directed the councils of princes: but he still manifested the benignity of his temper; he, the tyrannical, the cruel Hastings, the unjust and oppressive governor, when the fate of the Begums depended solely on his *fiat*, when he was justified by the law of nations, and by every principle of policy, absolutely to deprive the Begum of all her possessions, forfeited by her own crimes; he, I say, stipulated with the Nabob, that a full and complete equivalent should be allowed her, and that the resumption of the jaghires should be general. The honourable gentleman has been pleased to ridicule this idea of an equivalent. How could an equivalent exist, said he, when the produce of the jaghires was to be appropriated to the liquidation of the Nabob's debt to the Company? I will tell the honourable gentleman how it could, and how it did exist. The Begums' equivalent was to amount to what they themselves gave in as the neat amount of their jaghires: their statement, however, for good reasons to be assigned, was false; the neat amount, that is, the amount for which they had been given, was much less than the real income from the lands. This neat amount was all they had a right to claim: that was secured to them by the treaty; and the surplus was to be appropriated to the discharge of the Nabob's debt.

So far, Sir, have I proved not only the innocence, but the propriety of Mr. Hastings' conduct. I am equally prepared to prove, that in his subsequent permission to the Nabob to confiscate the treasures in the hands of his mother, and in the steps taken to enforce the payment of the sixty lacks for which that confiscation was compromised, Mr. Hastings was not only free from blame, but actually commendable. I perceive, however, the present temper of the Committee: I am also sensible of the manner in which they have received the first address from a young member, standing here as an advocate for an accused and injured fellow subject. I leave the reflections upon it to themselves; and I wish the world to reflect, that a British House of Commons, sitting in judgement on the character and fortunes of such a man as Mr. Hastings, has refused to hear his defence. I shall no longer press the matter, but will sit down, reserving what I have farther to say to a cooler moment, when the passions of the House are less inflamed, and when truth may obtain a hearing.

Sir *W. Dolben* having premised that the speech of the honourable gentleman (Mr. Sheridan) had stated in so able a manner such a variety of facts and arguments, as entirely to have exhausted the spirits as well as the attention of the Committee, added that he thought it would be most proper

to adjourn the debate. This would give gentlemen time to recruit their spirits, and to collect their exhausted attention. It was now a very late hour. It would be impossible, should, they prosecute the business, to come to any vote without adjourning. And indeed, he confessed, that in the present state of his mind it would be impossible for him to give a determinate opinion. He therefore most seriously recommended that the Committee might then immediately adjourn.

Mr. Stan-
hope.

Mr. *Stanhope* remarked, that the same reasons which prevailed upon his honourable friend, induced him to wish for an adjournment of the debate. Such had been the variety of facts, and the force of the eloquence, used by the honourable gentleman, (Mr. Sheridan) as had made a material alteration in the sentiments which he entertained of Mr. Hastings' conduct when he entered the House, he was not ashamed to acknowledge that his opinion inclined rather to the side of Mr. Hastings; but such had been the wonderful efficacy of the honourable gentleman's convincing statement of facts, and irresistible eloquence, that he now with as much freedom acknowledged, that he could not say but his sentiments were materially changed. Nothing, indeed, but information almost equal to a miracle, could, be thought, determine him not to vote against the accused: but, however, as he found such had been the effect of what he had heard, he could not by any means then determine to give his vote. He wished to collect his reason, and to calmly and circumspectly consider the truth and justice of what had been stated with such apparent aid of truth, as to render it beyond the power of contradiction.

Mr. Fox.

Mr. *Fox* contended, that the hour was not so late as to preclude gentlemen from the opportunity of giving their opinions in answer to any subject which his honourable friend (Mr. Sheridan) had stated. They had sitted on questions much later than the hour of half past twelve on other occasions, and he did not see but the present was of such importance as to require the House to come to an immediate decision. If there was a necessity of adjourning the debate, why not state it to the Committee? He had heard nothing urged to convince him of the necessity. Had there been any doubts with respect to the statement of any particular facts by his honourable friend (Mr. Sheridan) gentlemen should state them; then there would be some plausible pretext for adjourning: but now it appeared as if the advocates of Mr. Hastings did not wish to give their present sentiments, which had arisen from the truth and eloquence of his honourable friend. If there were any such doubts as required a farther time for investigation, if gentlemen would state them, he

was certain, should they appear such as could not admit of a present vote, the Committee would unanimously agree to the proposed adjournment; but without any other plea, necessity, or argument, than merely the lateness of the hour, and the powerful eloquence of his honourable friend, having exhausted, or rather, he believed, convinced their minds to adjourn, he could not think the Committee would agree to the motion.

Mr. *Taylor* observed, that he had not quitted his seat until seven in the morning on many occasions, and he did not know or recollect one in which he thought his unremitted attendance more required, than the question now before the Committee. Such had been the statement of the facts in the speech made by the honourable gentleman (Mr. Sheridan) that he thought no time was necessary beyond the present moment to give their vote. It was a speech of such irresistible conviction, as to render it incontrovertible. It was eloquent in facts, and sublime in genius and conception. It was not the parade of pompous declamation; it convinced, from its truth, as much as it charmed and astonished from its splendour and sublimity: therefore, after such a speech had been delivered, he could not consider that any gentleman's mind was so undetermined in its opinions as to require a moment's delay to give his vote, and he would never agree that the House should adjourn until they had decided on the merits or demerits of what they had heard so forcibly, ingeniously, and wonderfully stated for their consideration.

Major *Scott* observed, that he certainly should have risen before to have contradicted many parts of the statements made by the honourable gentleman (Mr. Sheridan) had he not withheld them in compliment to what other gentlemen had to offer on the subject. As to there being nothing to be said against the circumstances mentioned, he would himself engage to shew in what the honourable gentleman had been guilty of most gross misrepresentations. In referring to several parts of the correspondence relative to the transactions of the Begums, he had omitted several parts of letters and other documents, contradicting many particulars, which he had asserted. Of these he had taken several notes; and if it were the desire of the Committee that he should proceed, he would describe all the omissions and misrepresentations which he had thus noticed. The Committee cried hear! hear! and Major Scott was going consequently to proceed, when

Mr. Chancellor *Pitt* contended, that it was expedient that the debate should be adjourned. Many facts had been stated which would create, undoubtedly, a number of opinions; and

and as such a vast variety of evidence had been stated, and many circumstances adverted to, certainly they required references and considerations which could not take place in the present moment. He had many opinions to be adjusted before he could pretend to reply, or to give any determinate sentiment. As the object was of such moment, he was resolved not to give any slight, imperfect, or indigested answer. Whatever his sentiments might be, they should be such as should be the result of a mature and deliberate inquiry into the truth which every fact could afford. He was therefore of opinion, that as he was assured many besides himself had heard facts which must require reference for investigation into their truth and propriety, the adjournment was most expedient. If, indeed, by continuing the debate, there was the least probability of really concluding it without an adjournment, he should certainly oppose its procrastination; but if, after debating till seven or eight o'clock in the morning, the Committee would be then necessarily adjourned without coming to a vote, he could not conceive any time to be lost in the prosecution of this business, to agree to the present motion. And such, he was assured, must be the result of its present continuance. For as so much time had been so very much engaged by the truly eloquent speech of the honourable gentleman, and so many facts had been stated by him, much certainly remained to be said either in contradiction or support of the subject. So much, indeed, still would be said before the Committee could proceed to give a decisive vote, that he was convinced the debate could not be determined without an adjournment. He therefore concluded with giving his support most anxiously for the present motion.

Mr. Fox.. Mr. Fox answered, that notwithstanding the eulogiums of the right honourable gentleman (Mr. Chancellor Pitt) on the speech of his honourable friend (Mr. Sheridan) yet he was assured, in making it the foundation of deferring the Committee's decision of justice, his honourable friend would not receive it as the most grateful tribute to his merit. But to admit the right honourable gentleman's pretence for adjournment, would be to establish a precedent very injurious to the proceedings of debate. He did not doubt but he might make a speech of as great length as his honourable friend's; and if they adjourned now in consequence of its length, they would be then obliged to adjourn on the same necessity. Thus from day to day might the consideration of the subject be postponed without coming to a decision. That he might make such a speech of length, he had a confidence in his abilities. He did not mean any particular compliment when he said this; but the right honourable gentleman

man had convinced the House, on many occasions, of his talents to make a speech of considerable length. As to his declining to enter upon the farther consideration of the business, he was surprised to find that he should hesitate from any diffidence to reply to what had been stated. He meant it not as flattery when he said that the right honourable gentleman seldom wanted a confidence to reply to any question, however forcible in fact, and irresistible in eloquence. From this conviction he had an undoubted right to suppose the right honourable gentleman could not, from any diffidence in his ability to reply, refuse to enter any farther in the business. But the fact he conceived was that such had been the force of his honourable friend's eloquence, that no contradiction could be given. The House were convinced of the truth of all which had been stated. He was assured there could not exist a difference of opinion on the subject. Such a speech they had now heard as to fetter every power and inclination of vindicating the accused. Indeed such was its wonderful ability for truth, genius, and eloquence, that he had never heard any thing that could compare with it within those walls. All which he had read and heard of eloquence before, vanished like a vapour before the sun. In truth, as had been stated, nothing less than a miracle could produce its counterpart. Such an address to the mind, as well as to the feelings, he believed had never been before delineated. The facts were so clearly and forcibly stated, and the appeal to humanity was so irresistible, that nothing could withstand its power and energy. While it did the greatest honour to the judgment of his honourable friend, it paid him a much greater compliment in shewing that he had a heart—a heart capable of vindicating the rights of the oppressed, whose miseries had engaged the whole interest of its sensibility. All its object was directed to the purpose of bringing cruelty to punishment, and retribution to the injured. It was not a speech which derived its merit from any particularly ingenious or paradoxical statements. The reason it had so uniformly convinced the House was from the force of truth which it contained. This was what had hindered all who heard its wonderful powers of conviction from saying a syllable in reply. It left the mind exhausted of all resource to oppose or confute; and therefore, if gentlemen, as he was assured they did, felt themselves really incapable of contradicting one fact, why not give their vote agreeable to that conviction which this inimitable speech had occasioned? If this delay was not a pretence to give gentlemen an opportunity of not coming to a vote, because they were determined to act contrary to their own opinions, formed from what they had not heard, he could not conceive the objects of the

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motion for the adjournment. What could be obtained by such a delay, but merely having an opportunity of preventing the operation which the truth and eloquence of his honourable friend's speech, should, and would otherwise have in convicting the delinquent, and redeeming the debased and forfeited character of the nation? With respect to the pretence of adjourning for the sake of deliberation, he could not admit in the least degree of its propriety. If gentlemen had not come with party prepossessions and personal partialities, they would not hesitate to vote when their minds were directed to embrace the cause of personal justice and national honour. Whatever might be the prejudices of individuals, it was the cause of humanity, which demanded a union of sentiment in punishment. All should unite in giving a vote which their minds must now approve for its justice, and their hearts embrace for its philanthropy. Mr. Fox now observed, that however he might consider this motion for delay as a compliment to the powers of his eloquence, yet such he knew was the anxious desire to obtain justice for the oppressed, whose cause he had so honourably to himself, and so nobly for the human character, espoused, that he would much lament of his honourable friend that all his efforts had failed of their intention. No compliment paid to his merit, he was certain, would compensate for the disappointment his heart would feel, in finding all his exertions to bring the guilty to justice, frustrated by this unexampled delay. Unexampled it was. He never knew of any debate being adjourned, without some strong reason of necessity being given: either some points arose that required references, or some doubts that appeared to the House necessary to be satisfied by giving a time sufficient for this purpose. But in the present instance nothing of this nature had been stated as an excuse.

Mr. Wilberforce.

Mr. *Wilberforce* expressed his concern that the right honourable gentleman should have lavished away such a portion of time upon mere invective; upon insinuations which tended much to weaken the effect of the honourable gentleman's very able and eloquent speech, which he confessed had made a very great impression on his mind; but that was a reason sufficient of itself for him to wish for time to deliberate. He despised the imputation of being considered either as the abettor or the protector of delinquency, nor should he shrink from any investigation of the reasons which would prompt him to vote for an adjournment. Did the right honourable gentleman wish to lead the House captive at his chariot wheels? Were they not sitting there as judges on a question of the highest importance? A question which involved in its consequences the character and fortune of one of their fellow subjects? Was

it not, therefore, fitting in them to deliberate and investigate? He paid many compliments to the eloquence of Mr. Sheridan, which he acknowledged had thrown many new and important lights on the subject; but though they had in a great degree tended to remove his doubts, still he was not ripe for decision, and he was yet afraid to give his vote, lest it should prove erroneous.

Mr. Fox observed, that the honourable gentleman who spoke last seemed to consider every thing as invective which did not convey the grossest flattery to his right honourable friend, (Mr. Pitt.) If he had used words which could be construed to convey invective, he was sorry for it, and he would be the first to beg the right honourable gentleman's pardon; but, on the present occasion, he was not conscious of having used such words. It was very true, that he had called on the right honourable gentleman, if he had any doubts, to state them; for it was, in his mind, highly important to the cause of truth and of justice, that he should then give his opinion. He had stated too, that all who knew the right honourable gentleman, knew that he possessed abilities, and that in those abilities he had sufficient confidence to be able at any time to state his doubts. In Heaven's name, then, why did he shrink from the inquiry? Was he afraid to meet decision? Or was he afraid to trust his cause to the present temper of the House? He hoped it was a cause like that of Cheit Sing, in which, though the right honourable gentleman had taken very confined ground, yet he had shewn that he was open to conviction. He hoped that the right honourable gentleman, for the sake of his own character, and for the sake of the reputation of his country, would, on the side he should take in the decision of the question of that day, shew that he was equally open to conviction. Of all questions which came to that House for discussion, India questions were, of all others, those which required prompt decision; it was dangerous to trust them to the perils of negotiation, or the dangers of out-door conversation; and he scrupled not to say, that an adjournment, far from assisting, would enfeeble and disgrace the cause of Mr. Hastings.

Mr. Sheridan observed, that he should not have trespassed on what he was bound to consider as the already too liberal indulgence of the House, had he not felt himself called upon by the honourable gentleman, (Major Scott) who had charged him with wilful misrepresentation with respect to Colonel Hannay's evidence. Of the falsity of that charge he appealed to every gentleman who heard him. As far as his own memory served him, he declared that he had stated that evidence fairly and fully: but if he had not, he was perfectly ready to allow the honourable gentleman every advantage which he

could derive from the deposition of Colonel Hannay. With respect to the question of adjournment, the House would see the propriety of his saying nothing on that subject.

Mr. Martin. Mr. *Martin* said he had listened with admiration, and with the utmost attention, to the speech of the honourable gentleman who had opened the debate: he really felt himself on that account very much fatigued, and was therefore an advocate for the adjournment.

Mr. Montague. Mr. *Montague* said that he came down to the House rather prejudiced in favour of Mr. Hastings; but, he confessed, that the very masterly and eloquent manner in which he had that day heard the charges stated, had staggered, nay, almost convinced him of the justice of it; still, however, he was not prepared to decide, and therefore he was convinced of the propriety of an adjournment.

Mr. St. John. Mr. *St. John*, the Chairman of the Committee, was then proceeding to read the motion of adjournment, when Mr. *Sheridan* rose and said, that if gentlemen really meant to press it to a decision, he did not wish to take the sense of the House on the question of adjournment.

The motion was now read, and passed without a division.

The Speaker resumed the chair, and the House adjourned.

Thursday, 8th February.

The question being moved by Mr. Francis, for the resumption of the Committee on the East-India charge against Warren Hastings, Esq. the Speaker left the chair, and Mr. *St. John* took his seat at the table.

When Mr. Francis was on the point of speaking,

Mr. Dempster. Mr. *Dempster* rose, and desired that, before the Committee should proceed upon the continuation of the adjourned debate, he might be suffered to trouble the House with a requisition from Sir Elijah Impey.

Mr. Francis now sat down, and Mr. *Dempster* stated, that Sir Elijah was waiting without the door, extremely desirous of being permitted to be called to the bar, for the purpose of delivering in a written paper, containing an explanation and correction of some few of his answers when last examined. He was the more powerfully induced to make this request, because he had discovered his errors by a reference to some papers at home. Mr. *Dempster* read the paper, and moved, "That the request of Sir Elijah Impey be granted."

Mr. Francis. Mr. *Francis* declared his earnest desire to have the paper in question laid on the table, if it could be done with propriety, and consistently with the rules of the House. That it constituted a very important question, which he desired the learned gentlemen opposite to him to consider, whether a

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correction of evidence given in a judicial and a criminal proceeding, after a considerable interval from the time when it was given, could be received consistently with justice, and with the rules established, not only in the House of Commons, but in every court of justice, and in all judicial proceedings whatsoever. That it was perfectly true, that he had yesterday readily consented to the paper's being received, because he was not at that moment aware of the consequence, and because he really wished to have it: on farther consideration he saw the danger of the precedent. That this was not a correction of information given, which the oftener it was corrected the better, but of evidence offered in the course of a criminal prosecution, the alteration of which might proceed from other motives as well as a real conviction of the truth. He believed there was no precedent of *such* a correction being admitted in similar circumstances, and therefore, very much against his inclination as to the immediate instance, and merely for fear of establishing a dangerous precedent, he must oppose the motion.

Mr. Dundas observed, that in the full confidence that Sir Elijah's explanation was of no material consequence either one way or the other, he was happy when the case was so circumstanced to lay down a general rule. He then contended, that if every witness could come one day and contradict what he had said the day preceding, the confusion would prove not merely inextricable but endless.

The Solicitor General said, that the House would be at once led to a decision upon the matter, by supposing, as a case in point, that two witnesses were examined the same day, and both agreed. If in that case, one came the next, desired to re-examined, and contradicted what he had before said, then the facts established by their concurrence would be let loose, and the task of adducing evidence could not possibly approach to a conclusion.

Mr. Dempster's motion was negatived.

Mr. Francis having now risen a second time, was interrupted by

Sir William Dolben, who desired leave to explain and justify his conduct in moving for the adjournment of the night before.

Mr. Francis at last was permitted to proceed. He began with observing how often he had been interrupted, and that so many interruptions were enough to discompose and embarrass a better practised speaker than himself. That, however, he had no thoughts of making a formal, regular speech; certainly, not a long one. That he hoped the few points which he meant to submit to the Committee, would appear to be material, notwithstanding any disorder in stating them;

and if they did, gentlemen would undoubtedly give them their due weight, and make a proper arrangement of them in their own minds.

With respect to the adjournment, he frankly acquitted Mr. Pitt of the intention attributed out of doors to that measure. His own mind, his own sense of honour, would not suffer him to suspect that right honourable gentleman of *intending* a stratagem so unworthy of himself. That, nevertheless, the effect and impression of the adjournment on the public mind and judgement certainly was, that it was deliberately contrived to gain time for calling in new power, and that power to decide, which had not heard Mr. Sheridan's speech; or, at least, to counteract by delay, what could not be resisted by argument; namely, the instant impression made by that speech upon the minds of all who heard it; as if the hour of conviction ought not to be the period of decision. That he had wished to pay his tribute of applause to that wonderful performance at the moment, when the impression of it was strong upon him; that he doubted much whether he should have been able to do it even then, in the instant of feeling, nor should he be able to do it now, after many hours of reflection. That to do justice to the ability, to the industry, to the arguments, and to the astonishing eloquence of his honourable friend, would require a power of ability and eloquence approaching to his own; he should therefore leave that task to others; that he himself looked higher—to the moral mind, that created and directed the intellectual power; to the honourable, generous, and virtuous heart, which was the true source of all those splendid efforts and brilliant operations of intellect, which the House had only admired as acts of the understanding; to that he attached himself. That he had always considered the human heart as the real source of human wisdom and folly, as well as of virtue and vice; that therefore the Book of Wisdom, to express the extremity of all folly, had declared, *the fool said in his heart*. If this were true, the world would measure the virtues of his honourable friend by his abilities; they would judge of the pure and copious fountain by the magnificence of the stream, and give him a higher and more honourable place than even among the greatest of mankind. That his virtues, and, of course, his abilities, swelled and expanded, according to the occasion that brought them into action, and spontaneously rose to a level with the new office which they were called upon to execute. To him, indeed, that day had decreed a glorious triumph; a triumph independent of victory; and, if defeat were possible, victorious in defeat.

Mr. Francis then entered upon a statement and explanation of some particulars relative to the question, which were not,

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he said, sufficiently explained, or insisted on, and some of them not even understood. He mentioned that the Begum had saved the life of her son, the present Nabob Asoph ul Dowla, at the hazard of her own. When the father once drew his sabre to kill him, she fell down upon him, and thus rescued him, though at the loss of her own blood, for she was wounded in the scuffle. This was an action Sujah ul Dowla was very capable of, for he hated and despised his son, and so far from leaving him his treasures and his personal estate, he would willingly have deprived him of his succession—that he heard this fact from Mr. Hastings himself. Mr. Francis said, when he was at Calutta, Mr. Hastings used to assign a reason for his partiality to the Begum, which he thought at the time a very tolerable one, viz. that the Begum had been recommended to his particular care and protection by the late Sujah Dowlah, in the most pathetic manner. That Mr. Hastings did take her part in 1775, when, as he said, (with a view to reflect on General Clavering, Colonel Monson, and Mr. Francis) Mr. Bristow, appointed by them, had taken an improper part against the Begum. That the elder Begum was the rightful heir to the Soubadarry of Oude; at least, it was through her that the principality came into the family of Sujah Dowlah; consequently she had a better right to the jaghires than the present Nabob had to his throne. That whereas it was insisted on, that the plunder of the personal property was resolved on by Mr. Hastings in consequence, and as a punishment of the resistance made by the Begums to the resumption of the jaghires, it appeared by the positive evidence of Mr. Middleton given at the bar, that the resumption of the jaghires was resolved on *after* the seizure of her treasures.

Here he earnestly entreated the Committee to observe that when all the other pretences by justifications, set up in defence of this atrocious act of violence, had been refuted or abandoned, the friends and advocates of Mr. Hastings had been driven at last to the old-established resource of tyranny, to the common profligate plea of *state necessity*, viz. that the Company's affairs, in the middle of the year 1781, when Mr. Hastings went up to Benares, were reduced to such distress, and all their pecuniary resources so completely exhausted, that measures of all sorts, and any sort, were to be justified, provided they tended to procure a supply of money, and an immediate relief to that extreme distress. That, from the death of Sir John Clavering, in August 1777, Mr. Hastings was unquestionably the master of the British Government, not only of Bengal, but of all India; and, as he would be fairly entitled to the merit, so he ought to answer for the
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all consequences of every thing that was done during the existence of that power.

That, on the 10th of August 1778, Mr. Hastings had laid before the Board an official estimate of resources and disbursements, which stated an unappropriated balance of current rupees 2.35.66.000, or about two millions four hundred thousand pounds sterling, which he expected to remain in the Company's treasury, (after deducting all the probable disbursements from the expected resources) on the 30th of April 1779. From this balance, Mr. Hastings deducted thirty lacks for extra disbursements, not provided for in the estimate, leaving a *corrected* balance of cash to the amount of current rupees 2.05.60 000, or above two millions sterling, which he asserted, and, by all manner of official documents, proved, would exist in the Bengal treasury on the 30th of April 1779.—Of what nature then were the subsequent measures, pursued by Mr. Hastings, which, in so short a period as from April 1779, to July 1781, had not only wasted that great surplus, but which forced him to incur a heavy bonded debt, and yet left the Company's affairs in such an abandoned state of penury and distress, as might, with some colour of reason, be alledged and pleaded in justification of the various crimes committed by Mr. Hastings for the avowed purpose of getting money, and which were the subject of the last and present charge against him. Mr. Francis requested the Committee to carry this reflection in their minds when they should come to inquire into the wars made by Mr. Hastings, and other causes of the monstrous waste of the public property committed to his care.

Mr. Francis offered other pertinent observations as to the facts stated in the charge, and, among others, he quoted the following passage from a letter of Mr. Middleton to Sir Elijah Impey: "I soon found that no real advantage was to be obtained by proceeding, *at once*, to violent extremities with the Begum; and that she was only to be *attacked* through the medium of her confidential servants, whom it required considerable address to get hold of: however, we at last effected it; and, by using *some few severities* with them, we at length came at the *secret boards of this old lady*!" What was this, asked Mr. Francis, but the language of thieves and ruffians, plotting in a night cellar to break into a house, and rob some innocent woman of her property?—Mr. Francis went on with a series of observations, in allusion to the facts in the charge. He said, that it was true, he thought the Begum had no right to appropriate the produce of the conquest and plunder of the Rohilla country, while the money due to the Company on account of that war remained unpaid. No opinion of his ever went farther than that.

The Council never interfered, otherwise than by approving and confirming the guarantee given by our Resident to the final settlement between the Nabob and his mother, on the 15th October 1775, after he had already obtained from her above 600,000*l*. That treaty was a receipt in full, a security against farther demands, and a *quietus* for ever. Mr. Hastings went farther than any Member of the Council, in approving that settlement; though now he says, that the whole of this transaction passed under the order and guidance of the Board, which excluded him from any share in their acts, equally in such as he approved, and in such as he disapproved! At that time, his language was different; but now, it seems, he may approve of an act, and vote for it, and yet he is to have no share in it. Whether he approved of it or not, he was bound by the sense of the majority, which constituted the act of Government. In the present instance, the Council were unanimous, and Mr. Hastings took the lead. It was true, the Begum, at her own desire, paid a small part of the above demand in goods of different sorts. Whether Mr. Bristow did right or wrong in accepting of such articles, the Council certainly did right in ordering them to be sold by public auction. The suspicion which unavoidably fixed itself upon *arbitrary valuations and private contracts*, cannot exist in the case of a public auction. Mr. Middleton's evidence will shew in what manner the property of the Begums was sold in 1782. That it was true, that he, (Mr. Francis) in the year 1775, had expressed his surprise that two ladies, locked up in a seraglio, should talk of meddling with affairs of state: but was that any reason for plundering them of their property; for robbing them of all they had; for treating them with the most scandalous injustice, extortion, violence, and cruelty? Could the opinion attributed to him be accommodated to such actions? And if it could, was it just to allow Mr. Hastings, who never followed his advice in any thing, to shelter himself under the concurrence of his opinion?—That these unfortunate women were, indeed, disqualified by their sex and situation from meddling in the affairs of government, and perfectly incapable of disturbing it if they would. That the attempt to charge them with a design to extirpate the English out of India, was equally base and ridiculous; as if it were possible for two old women, locked up in a seraglio, and two decrepit eunuchs, first to depose the Nabob, their son and sovereign, and then to expel the English, which could not be effected by a combination of the four first powers of India, assisted by the French;—that this absurd pretence, in addition to all the cruelty and injustice of the proceeding, fixed upon it a brand of falsehood and ignominy which would render the name of an Englishman, in Asia, contemptible as well as odious

odious for ever. — Mr. Francis, in the course of his speech, took occasion to set Mr. Burgeſs right as to a point he had ſet out with on the preceding night, namely, ſaying that Mr. Haſtings began his Indian career with making the treaty of Illahabad, whereas the treaty of Illahabad was made ſo long ago as 1765, by Lord Clive and General Carnac, who were the political opponents of Mr. Haſtings.

Mr. Bur-
geſs.

Mr. *Burgeſs* roſe next, and, addreſſing himſelf to the Chair, ſaid,
Sir,

As the honourable gentleman has particularly alluded to me in what he is pleaſed to ſay I aſſerted laſt night, I riſe merely to explain that point. I imagined, from the manner in which the honourable gentleman ſet out, that he would have answered, and, if poſſible, have controverted ſome of the propoſitions I then advanced. Inſtead of this, he has thought fit to aſſert, that, in the debate of laſt night, I ſaid the treaty of Illahabad had been made by Mr. Haſtings. This, I am clear, could not have been the caſe, as I neither knew, nor had ever inquired who made it. Nor was it material to my argument that I ſhould. I mentioned it merely to prove, that an actual treaty exiſted, made by two powers competent to contract; which treaty, the honourable gentleman himſelf, jointly with General Clavering and Colonel Monſon, who then formed a conſtant and decided majority in the Council, had broken; and that this very circumſtance was now included in the charge againſt Mr. Haſtings, who at that time was in the minority. This fact, Sir, with others which I alſo ſtated, the honourable gentleman has thought proper to paſs over. That he has, I hope, the Committee will remark, and put the proper conſtruction upon it.

Mr. Francis.

Mr. *Francis* answered, that he was not upon his trial. That when the treaty of Illahabad was put an end to, it was a matter of opinion whether the treaty was meant to continue for Sujah Dowlah's life only, or whether it was a permanent treaty depending on no ſuch contingency. Mr. Francis ſaid, he hoped, till he knew any thing ill of him, the honourable gentleman would preſume well of him, but the characters of General Clavering and Colonel Monſon ought at all events to be holden ſacred. Unfortunately they were no more, and had left the weakeſt of the triumvirate to defend their characters.

Mr. Nicholls.

Mr. *Nicholls* obſerved, that whiſt he paid a juſt tribute to the aſtoniſhing eloquence and highly cultivated talents of an honourable gentleman (Mr. Sheridan) he muſt preſume, even in oppoſition to all his brilliant oratory, to contend, that the whole of his fascinating harangue had turned upon a fal-

lacy; the question was not whether the Begums were in actual rebellion, but whether Mr. Hastings was given to understand that they were so, in a manner sufficiently plausible, to induce him to credit the alleged fact. Mr. Nicholls entered into a series of reasoning upon the right construction of the words in Mr. Middleton's letter of the 6th of December, 1781, *and the measure heretofore proposed*, which he affirmed were to be understood differently from the manner in which they had been argued in the speech of the mover of the motion. Mr. Nicholls remarked, that taking the jaghire from the Begums, two women shut up in a Zenana, and incapable of managing such a property, for which they received an equivalent, was a benefit, and not an injury. He also defended the seizure of the treasures, referring the Committee to Mr. Middleton's letters, and to other documents, to prove that the Nabob had always considered the wealth as his property, by inheritance.

Major Scott now rose, and said,

Mr. St. John,

Before I request the indulgence of the Committee on the subject of the present debate, I shall take the liberty of offering a few words, in reply to the honourable gentleman (Mr. Francis) who has just sat down, and who has told you, that I generally pay particular attention to whatever falls from him. Allusions have been made to publications out of this House, and to the means that have been taken to bias the Public, upon the important question now under consideration. I have no scruple to say, that Mr. Hastings, instead of being merely an accused, is a persecuted, a shamefully persecuted man, and that means the most indecent, means the most scandalous and infamous, have been resorted to, in order to prejudice Mr. Hastings in the opinion of those parties who divide this kingdom, and who may be the ultimate judges of this important question. In the first speech, made by the honourable gentleman in this House, he declared, in the most solemn manner, "that he should be sorry to be suspected of retaining a spark of personal animosity against Mr. Hastings.—We are both, he added, I believe, men of tempers too warm to be capable of resentments; our contest is at an end, and the hostilities it produced expired with it." If it had not been for this solemn declaration, made by the honourable gentleman, in his first speech in this House, and afterwards carefully printed, and published by himself, I should be led to conclude, that he was the author of a pamphlet, which I now hold in my hand, as the style of the work bears so near a resemblance to the minutes and writings of the honourable gentleman. Sir, I pay him no compliment, when I say his style is a good one, and

something peculiar. But, Sir, be the author who he will, I take upon me to affirm, that a more scandalous, atrocious, and infamous attempt to oppress a man, shamefully persecuted, was never practised; and the man who did it, has a heart blacker than ever existed in a human frame. He added, I believe, Sir, the Committee is of opinion, that I have a right to read, as part of my speech, an extract from any paper I chuse.

As Major Scott was proceeding to read the pamphlet, published by Mr. Debrett,

Mr. Cour-
tenay.

Mr. *Courtenay*, rising to order, contended that it was exceedingly improper for any member to read, as a part of his speech, an anonymous pamphlet.

Mr. Fran-
cis.

Mr. *Francis*, expressing his astonishment that the honourable gentleman should have thrown out any insinuations calculated to lead the House into an idea that *he* had written the pamphlet in question, added, that he considered the present business as too important in its nature to admit of unreasonable interruptions by any references whatsoever to extraneous matter. At a future and *proper* time, he would readily enter with the honourable gentleman upon a discussion of the subject, and second any motion which he might chuse to make for that purpose; but he now trusted, that the Committee would not suffer an infinitely more momentous investigation to become at all retarded in its necessary course,

The Major now said, I have already given the reason, why the honourable gentleman opposite to me could not possibly have written it; and I shall now proceed to state the parts I complain of. The author, in his preface to these Observations on the Defence of Mr. Hastings, says, that the Defence was, by Mr. Hastings' authority, printed, published, and circulated with uncommon rapidity. This, I affirm, to be a gross falsehood; for neither Mr. Hastings, nor any person connected with him, had the smallest concern, either in the printing, publishing, or circulating that Defence. But what follows, Mr. St. John, is of infinitely more consequence. We all know, that a pamphlet was published some time ago, which, though not approved of universally, has been universally read, so much so, that it has gone through seven editions, and I understand Mr. Debrett expects to sell twenty thousand copies of it. Amongst others, Mr. Hastings, or some of his friends, have been mentioned as the author; and although the publisher of the pamphlet has publicly and unreservedly declared, that neither Mr. Hastings, nor any person, directly or indirectly, connected with him, wrote that pamphlet, yet since the declaration was so publicly made, the author of the work, in my hand, has inserted the following passage in his Observations. "He,

“ (Mr. Hastings) says Madagee¹ Sindia has written letters
 “ in his praise to His most gracious Majesty, and to the
 “ Company. Any body else would have said simply to His
 “ Majesty. The epithet, most gracious, is seldom or never
 “ used, but in direct addresses, or petitions to the King.
 “ The affectation of introducing it in the mention of so un-
 “ important a fact, requires no comment. But wounds, as
 “ well as compliments, come from the same quarter. The
 “ spirit that flatters can insult. The author, whose pamph-
 “ let, as he imagines, is to deliver characters to posterity,
 “ and whose education in the school of Mr. Hastings is self-
 “ evident, has taken upon him to assist, from what he calls
 “ an intimate knowledge of His Majesty’s character;” &c.
 As far as I have read, Sir, is sufficient for my purpose; I do
 not chuse to proceed, conceiving it would be highly unhe-
 coming in me to do so: but I affirm, that the man, who had the
 baseness to calumniate Mr. Hastings, and to mention this
 work as coming from his school, must have done it, with a
 knowledge, that he was publishing a gross and scandalous
 falsehood to the world; and he must have a heart blacker
 than ever existed in a human form.

The honourable gentleman, who spoke so eloquently yester-
 day, made use of an expression, which I must beg leave to
 take notice of. He talked of the servile dependents of Mr.
 Hastings. I hope, Sir, he does not rank me in that num-
 ber, if such there are; but I believe, and I know, that none
 of his friends deserve to be so stigmatized. I left England
 with English blood in my veins, and, I hope, I have brought
 English blood back again to my native country. The ho-
 nourable gentleman has, I trust, a better opinion of me,
 since, upon a very remarkable occasion, he consented to a
 conference with me, which, if it had taken place, might
 have prevented that splendid display of eloquence which we
 heard yesterday in the Committee. The fact is, Sir, that I
 was above twelve years in India, before I had the plea-
 sure to be known to Mr. Hastings, except by dining at his
 table, in common with other officers, of my own stand-
 ing. To General Clavering, who conferred a military
 office upon me, at the recommendation of Colonel Upton,
 I always felt and expressed myself much obliged, though
 equally unknown to him. I shall now take the liberty of
 offering a few observations upon the question before the Com-
 mittee. The honourable gentleman, in opening it, took a
 very wide range, nor do I conceive it can be fairly consid-
 ered, without a view of the state of affairs in India, and in
 Europe, as connected with India, in the year 1781, and for
 some years preceding that period. In the year 1775, the
 debt of Great Britain was, I believe, about one hundred and

twenty-five millions. It continued rapidly increasing from that unfortunate period; and in the year 1782, it had increased to the alarming amount of two hundred and thirty millions. In the same period, a hundred thousand lives were lost, a vast empire in America, Minorca in Europe, several of our West India islands, and our most valuable settlements on the coast of Africa. I believe, Mr. St. John, no history, ancient or modern, can afford an instance of so rapid a decline in the prosperity of a great country. The flames of war, which raged with so much violence in Europe and America, were extended to Hindostan; for I assert, without a fear of contradiction, that the politics of Great Britain involved us originally in India. An event, which the right honourable gentleman truly foretold very early in the American war, when he said it must, by its continuation, involve this nation in every quarter of the globe. During the progress of our calamities in Europe and America, I would desire to ask gentlemen, what happened in India? We were there, it is true, involved in wars, and surrounded with difficulties—but how different the conclusion. Did we lose a foot of territory in India? So far from it, that we had taken, in the course of the war, every French and Dutch settlement on the continent of Hindostan, and were besieging the French garrison of Cuddalore, their only remaining hope, when intelligence of the peace in Europe, arrived at Madras. The first account of that important event was conveyed by an express dispatched by me to Mr. Hastings at his own expence. The noble Marquis, who deserves the warmest thanks of a grateful country, for ending a calamitous and most expensive war, gave up, and wisely gave up, the conquests of the East-India Company in India, in order to save the British possessions in the West Indies. I would ask gentlemen, in what other quarter of the globe could we make cessions to France? In none; for except the island of St. Lucia, all the conquests we made during the late war, were made in India. I have sat in the gallery in other days, Mr. St. John, and listened with profound attention to the right honourable gentleman, (Mr. Fox) when he has so strongly and so truly described the calamitous and degraded state this country was reduced to; I have heard him attribute those calamities, and that degradation to the imbecility, and the indolence of the noble Lord who for many years was the Minister of this country. I have been informed, that the right honourable gentleman has sometimes in this House, during the late war, expressed his warmest wishes for America. Her cause was the cause of liberty, the cause of whiggism, and of the British constitution. A right honourable gentleman, who first moved this prosecution, has been equally violent upon former occasions
against

against the noble Lord, and equally zealous for America. His zeal once carried him so far as even publicly to avow in this House, a correspondence with Doctor Franklin, then declared by law a rebel to this country, on the exchange of a British General. The noble Lord has, upon many occasions, declared in this House, that he imputed our calamities to the intemperate violence of opposition, and to their encouragement of the rebellion in America—but that in a very few years we experienced a melancholy reverse; that from being the first, as well as the freest nation in the world, we, in less than seven years, saw our empire dismembered, and the People of England so oppressed and borne down by taxes, that the most economical Minister will scarcely be able, in future, to make the income of the state meet its expenditure; that in a very few years these melancholy events did happen, are truths which all parties acknowledge, though they may differ as to the causes to which these misfortunes are to be attributed; but that there was blame somewhere, either in the Minister, in the officers who executed his plans, or in those who clogged the wheels of Government, I have never yet heard one man hardy enough to deny. What, Mr. St. John, was the event which happened a few short months after these melancholy truths were so universally felt and acknowledged. It was of such a nature, that not all the splendid talents, the wit, the ingenuity, or the humour of the gentlemen opposite to me, will ever be able to efface from the minds of the People of England. The noble Marquis, to whom I alluded before, had the good fortune to save this country from total ruin, in the month of January, 1783, by restoring to us the blessings of peace. If the matter were doubtful then, what shall we now pronounce. If after five years of peace, this nation can hardly pay the interest of its public debts, and provide for its various establishments, how could we have borne an additional load of twenty millions, and such would have been the consequence of another year of war? Of the truth of this the right honourable gentleman was so sensible, that not many months previous to the peace, he publicly declared in this House, I mean, in the Rockingham Administration, that had as he had conceived this country to be, before he came into office, he found it upon examination infinitely worse, and that no peace could be a bad one for this country. What was the consequence of the restoration of peace? An agreement, between long hostile and contending parties, to turn out the noble Marquis who concluded it, and to seize themselves the government of this country. The right honourable gentleman who had, in an impassioned tone, declared, in November, 1781, that the noble Lord, who was then the Minister, “must hear of his disgraceful

“and.

“and ruinous measures at the tribunal of justice, and expiate them on the public scaffold;” the same right honourable gentleman, who then made this public declaration, was joint Secretary of State with the noble Lord in March, 1783. With equal indignation, another right honourable gentleman spoke of the noble Lord, yet he too upon that occasion, echoed the humane sentiment of “*inimicitie plæcabilis, amicitie sempeterna.*” I hope I am not irregular in the ground I have taken, because I mean strictly to apply these extraordinary and unexpected changes of opinions and measures to the subject before us.

I am exceedingly sorry for the occasion of the absence of the noble Lord, as well as for his absence. If I ever have mentioned his name with disrespect, I am sure it was unintentional; and in what I am now going to assert, I call upon gentlemen on all sides of the House to set me right, should I misrepresent what the noble Lord has formerly stated in this House. From the declaration of war with France, or rather from the time of the delivery of the French rescript in March 1778, to the month of March 1782, when the noble Lord resigned his office, he has avowed publicly, that he supported Mr. Hastings, and he has also avowed the reasons for which he supported him. First, that it was a season of war, and of great difficulty and danger. Second, that Mr. Hastings possessed vigour and abilities; and, thirdly, that he enjoyed the confidence of the East-India Company. In the Rockingham or succeeding administration, the right honourable gentleman below me, (Mr. Dundas) moved, in the month of May 1782, “that Mr. Hastings should be recalled from the government of Bengal.” The right honourable gentleman also will correct me if I misrepresent him. He stated, that he moved the recall of Mr. Hastings, because, in his opinion, he had forfeited the confidence of the native Princes in India, and could not conclude a peace. It happened, however, that, in that very month, and almost on the day the right honourable gentleman made the motion in this House, Mr. Hastings did conclude a peace with the Mahrattas. I have since heard the same right honourable gentleman avow in this House, that he was happy the Proprietors had resisted that vote, because he was convinced ~~by~~ in doing they had rendered a very essential service to the East-India Company, and to this country. The right honourable gentleman declared also, that he had been pressed to remove Mr. Hastings for delinquency, but that he had declined to do so, not thinking him a delinquent. At another time the right honourable gentleman avowed, that, by great exertions, by procuring money, God knew how or where, he had been enabled to pay the army, which

which otherwise must have mutinied, or been disbanded. [To all these assertions Mr. Dundas nodded assent.]

In the month of March 1783, the gentlemen who conducted this prosecution, again came into office, with the additional strength of a noble Lord, formerly the Minister, and his numerous friends. I hope the Committee will recollect, that the events upon which this charge is founded happened in the month of January 1782; that complete information of them arrived in England in the autumn of 1782, and that in 1783, a report upon the subject the 10th was made by the Select Committee. Parliament continued to sit till the month of July, and admitting for a moment what has been formerly said, that there was not time in that session to bring in a general bill of regulation for India, I should be glad to ask, what could be the reason for not removing Mr. Hastings? If the Ministers of that day thought so ill of him as they now pretend to do, they were criminal for continuing him in charge of the first office under the British empire, and for destroying at the time the authority of his office. They had the power of removing him by a short bill in any ten days from April to July. In the month of September 1783, a letter arrived from Mr. Hastings, in which he expressly desired the Court of Directors to remove him, and to appoint a successor. Of this letter no notice was taken; and, in the month of November, it was very plainly discovered for what purposes Mr. Hastings had been continued so many months in office. The right honourable gentleman (Mr. Fox) will allow that I state his argument fairly, when I say, that when he introduced his celebrated bill on the 18th of November 1783, he grounded the necessity of that bill upon the mismanagement of Mr. Hastings, and upon his interest being so great in the Court of Proprietors, that there were no hopes of future reformation, without a total overthrow of the privileges of the Company. The bill passed through this House, but, thank God, was defeated in another. The nation reproached the measure; and I call upon gentlemen to declare, whether the mover of that bill was founded in his predictions as to the ruin or the loss of India, provided his bill, or one similar to it, was not carried? Upon that occasion, Sir, if I had been under any apprehension for Mr. Hastings, I might at least have attempted to insure his safety, and might have succeeded; for though it appears by an explanation between two gentlemen in 1786, that I was mistaken as to the extent of the offer that I conceived to have been made on the day that bill was brought in, (though it is remarkable that my public avowal of the transaction, with my name signed to that avowal, was made a very few days after it happened, and was ne-

ver contradicted by any man openly, or anonymously;) yet it will be allowed, that if I had been under apprehensions for Mr. Hastings, and had met the Honourable gentleman who opened the charge yesterday, he might have lost that opportunity of displaying his wonderful talents and astonishing eloquence. I have now, Sir, stated the grounds upon which the present prosecution stands. That the services of Mr. Hastings have been great and important, that those who now prosecute him, protected him in 1776, and continued him in office when the power of removal was in their hands in 1783, and that the right honourable gentleman who originally moved his recall, has publicly expressed his satisfaction that he was defeated in that point, are facts of importance, and ought to be known to this House and to the Public. The honourable gentleman (Mr. Francis) has stated to the Committee the share he had in the original demand made upon the Begum; and he has said, that he gave his opinion on the impropriety of a woman, immured in a seraglio, presuming to talk of appointing Ministers, and governing kingdoms; but that, in so doing, he rather meant to glance at Mr. Hastings than the subject then in debate. It would have been fair and candid if he had added what follows in his minute. "With respect to receiving her into the provinces, I shall have no objection, provided she can obtain the Nabob's consent; without that, she can have no right to remove the immense wealth she possesses, or even her own person out of his dominions." I appeal to any gentleman in the Committee to determine whether, if the honourable gentleman who wrote this minute in January 1776, did not conceive, that, notwithstanding the Company's guarantee, some power remained in the Nabob. Why, say she had no right to remove the immense wealth she possessed without his permission, if all future claims were given up? Her Eunuch Behar Ally Cawn had told Mr. Bristow it was annexed, to provide against an emergency.

It will be impossible to follow the honourable gentleman who opened this charge. All I shall presume to attempt will be, to detail very shortly what was our situation in Oude in the year 1781, what reduced us to that situation, and then to consider whether Mr. Hastings was justifiable in consenting first to the resumption of the Jaghires, and afterwards to the seizure of the treasures.

In one point we are all agreed, that the province of Oude, from having been in a state of prosperity, was reduced to very great distress. I assert, that this distress was brought upon the country by measures, in which Mr. Hastings not only had no concern, but, as the gentlemen who carried them

them into effect observed to the Court of Directors, which he opposed in every stage. The treaty of Benares of 1773, was merely a modification of the treaty concluded at Allahabad in 1765. By the treaty of Benares, Sujah Dowlah was to pay two lacs and 10,000 rupees a month for a brigade of British troops, when doing duty in his dominions; and when Sujah Dowlah died in February 1775, Mr. Hastings was of opinion that no new treaty should be made. The majority, Mess. Clavering, Monson, and Francis, determined otherwise, and they obtained from the young Nabob the districts of Benares and Ghazepore, and an addition of six lacs of rupees a year to the former subsidy. Mr. Hastings then predicted, as may be seen in the Fifth Report of the Secret Committee, that these conditions could never be fulfilled, and that they were inconsistent with former treaties.

When Sujah Dowlah died in 1775, he left his army from eight to twelve months in arrear; and there was a very considerable sum due to the East-India Company. I refer gentlemen to the correspondence of Mr. Bristow in those days, to prove the wretched and miserable state of the Nabob's government. In October 1775, he applied for British officers to command his troops. These were granted, and were undoubtedly the source of additional distress to his finances. With regard to the oppressions said to have been committed in Oude, and the plunder of that country by British officers, I am totally ignorant of the subject; for myself I should have no objection to proclaim the amount of the fortune I acquired in India to-morrow morning at Charing Cross. And I can safely answer, that in marching in the command of a small detachment through a part of Oude in the year 1773, the utmost that I received was a few bullocks and a few sheep, which were sent to me by Sujah Dowlah; but that the avowed and fair advantages of officers serving in Oude on the Vizier's establishment, were infinitely superior to any that were enjoyed by officers in our own provinces, is a fact of public notoriety, and cannot be mentioned as a reflection upon any one. The pay of the monthly subsidy for the regular brigade, of the corps under British officers, of the Nabob's separate military establishment, added to the enormous amount of his other expences, had so greatly deranged his affairs, that the country was precisely in the state which Mr. Bristow represents on the 22d of January 1777, and from that day I date Mr. Hastings's responsibility to commence. I earnestly entreat gentlemen to read that letter with attention, and they will see how truly Mr. Hastings' prophetic apprehensions were fulfilled. His first measure was to propose to the Nabob either to withdraw the British

officers from his service, or to consent to their being put upon the same establishment with our own army, and to be relieved at stated periods by other battalions. To this arrangement the Nabob consented; nor was it attended with any additional expence to him. The Nabob's dominions continued in 1777 and 1778 in the same state as in the two preceding years. The debt, when Mr. Middleton took charge, was seventy lacks of rupees, and was never diminished until finally liquidated by Mr. Hastings in the year 1785. In the month of April 1779, the Nabob wrote a very strong complaint to Calcutta of the injuries he sustained by the weight of our demands upon him; but what is pretty singular, and to which I trust gentlemen will for a moment attend, he added, that the difficulties he then laboured under he experienced for three years, that is, from the first adoption of a system in which Mr. Hastings had no concern, and the mischievous consequence of which system he had predicted. In the year 1780, the Nabob renewed his complaint; but it is perfectly clear, that, at either of these periods, Mr. Hastings could not have withdrawn the British troops from his dominions.

In the following year 1781, Mr. Hastings met the Nabob at Chunar, to this time, he had protected the Begum in the possession of all her rights, under the Company's guarantee. The propriety of resuming the Jaghires under the then existing circumstances seems to be allowed. Upon that subject, therefore, I shall say nothing. It has already been most ably argued. The principal point is the seizure of the treasures, and the circumstance to be proved, in order to justify that measure, is, that the Begums by themselves and their agents, did openly encourage the levy of troops for the service of Cheit Sing, and were in a state of open hostility to the Nabob and the English at that period.

The letter of Mr. Middleton to Mr. Hastings, dated the 17th of October, 1781, contains very full and complete information, sufficient in my opinion to fix this point beyond dispute, that the Begums and their eunuchs Jear, and Behar Ally Cawn, did publicly raise troops for the service of Cheit Sing, in the month of September 1781, and that they were as active and as hostile to the British interest at that particular and interesting period, as their situations would enable them to be. The important facts mentioned in Mr. Middleton's letter, were afterwards confirmed by the depositions of Colonel Hannay, Captain Williams, Captain Gordon, and Major Macdonald, as well as by the depositions of several native officers under their command. To these are opposed, the letters of Colonel Hannay, and Captain Gordon, acknowledging their obligations to the Begum for relieving

relieving Captain Gordon when in great distress at Tanda.—Colonel Hannay is no more, but Captain Gordon was in England last year, and is so still I believe. It is an extraordinary circumstance, that he was never called before the Committee, since a stress has been laid upon that letter which it never appeared to me to deserve, and Captain Gordon only can clear up the matter. That Colonel Hannay acted with proper policy, in temporizing with the Begum at that critical moment is allowed, but why her release of Captain Gordon should be brought as a proof that she was not disaffected to the British government, I cannot conceive; for I do not find that the honourable gentleman has at all attempted to invalidate the depositions of Colonel Hannay. These stated, that his troops were seduced from him on the 8th of September, 1781, at Fyzabad—that his sepoy were not permitted to enter the town—that troops were publicly raised there for Cheit Sing, and in his letter to Mr. Middleton of the 5th of September 1781, Colonel Hannay writes, that the Begums themselves had almost recruited for Cheit Sing.—Colonel Hannay also swears that he represented these improprieties to the Begum, but could obtain no answer. One circumstance in Colonel Hannay's deposition is most singular and important, that a few days previous to his arrival at Fyzabad, a commander named Sher Cawn, had marched with a thousand horse and foot to reinforce Cheit Sing. These troops are called Nujubs. It is deposed by Cheit Sing's second officer, that there were a thousand Nujubs from Lucknow in Cheit Sing's army, and the commanding officer of our troops took some wounded Nujubs prisoners. This is a most material confirmation of Colonel Hannay's account, for they are unquestionably the same men; since it is evident Cheit Sing's officer mistook Lucknow for Fyzabad, a mistake that might very naturally have happened. To the various depositions that were taken, in order to prove the reality of the Begums' share in the rebellion of Cheit Sing, may be added the general opinion of every officer who was in that part of India, during the month of September 1781. I declare upon my honour, I have never yet met with an officer with whom I have conversed, who did not confirm the truth of the depositions. I have been assured, that by the daily reports of the Hecarrahs, who brought intelligence during the rebellion of Cheit Sing, the road from Fyzabad to Benares, was filled with troops raised by the Begums' eunuchs. If it should be observed, why was not evidence called to these points by Mr. Hastings, I put it to the honour and candour of gentlemen, to consider how the prosecution has been carried on, or if there is any thing similar to it in history. I could not

last year obtain half an hour for the examination of a single officer, Captain Williams excepted, whose evidence delivered at the bar is most important. The honourable gentleman who spoke yesterday, talked much of suffering millions, and that the British character in India had materially suffered by this transaction. I deny both his assertions, and I appeal to facts, which are of more consequence I trust, or will be in a few days, than mere declamation. Will the honourable gentleman point out a period when the British character in India stood higher, than immediately after that he alludes to, or than it does at the present moment? It is a singular circumstance that so far from the Begum having ever complained of an injury done to her, except what is stated in her letter to Mr. Bristow, in October, 1782, she voluntarily consented, as well as her brother Salar Jung, in 1784, to contribute a sum of money from the income of her Jaghire, in order to enable the Nabob Vizier to liquidate his debt to the Company. It is now two years since Mr. Hastings resigned the government of Bengal. Has any complaint been transmitted against him from the Begum, or from any person in India? Where are the millions, the suffering millions which the honourable gentleman alludes to; I appeal to facts, to prove that in no period of the history of India was Bengal in a mere flourishing state, or the revenues better collected, or with so little severity, as during the height of the late war.—The honourable gentleman has been very profuse of his censures; but I would ask him, and I put it to the good sense of this House, to say in what part of the world has the British character been better sustained than in India during the late war. A British officer will ever be a respectable character where he will; but where have our officers served with equal success, as in India during the late war, or with so much substantial service to the country?

The honourable gentleman has dwelt upon points that are totally foreign to the charge against Mr. Hastings.—It is in evidence that not only Mr. Hastings could have no concern in the distresses of the women of the Khord Mahal, but that no English gentleman had at any time the slightest concern with that Zenana. Major Gilpin, who happened to be at Fyzabad when the unfortunate women immured in it were in so much distress, did what I am sure every British officer would have done on the same occasion.—He applied for relief, and he obtained it—but it is remarkable that these distresses were not notified to Mr. Hastings or the council, until after the relief had been given.

With regard to the eunuchs Jeur, and Beher Ally Cawn, it is also a fact, that the severities practised to compel them

to pay the money they had stipulated to pay, were never communicated to Mr. Hastings, or the council, until after their release in October 1782, and then the particulars having been sent as inclosures in a letter, were entered upon the consultations, but that they were never read by any one member of the Board is evident; (Mr. Hastings was at that time gradually recovering from a very dangerous illness,) since, on the 3d of March 1783, the whole Board, Mr. Hastings, Sir Eyre Coote, Mr. Wheeler, Mr. Macpherson, and Mr. Stables, wrote to Mr. Bristow to know what had been done relative to the recovery of the balance, and they ordered that the most effectual means should be taken for the immediate recovery of it. * On receiving Mr. Bristow's reply to this letter, in which he refers them to his former account, no farther steps were taken; nor do I know that the balance has been paid or not to this day.

Having mentioned these circumstances, I now come to take notice of the arguments of the honourable gentleman on the contradictions that appear in the face of Mr. Hastings' defence, which in one instance is very material: but ineffectually clearing Mr. Hastings from this charge, I am afraid I shall incur the risk of bringing another upon him; I mean the charge of disrespect to the House. If it is considered, however, that when he petitioned to be heard, he had a reply to make to every charge in five days; it will scarcely be expected that he had not some assistance—indeed he has said so in the beginning of his reply to this charge: after saying this, I do now declare upon my honour, that Mr. Hastings neither wrote, nor read the reply to this charge: It was very cursorily read to him by me, and the inaccuracy in it escaped his attention and my own.—He added, a very few lines in which no inaccuracy appears, and in this state it was read to the House. After having said this, it will be no difficult matter most effectually to explain this error. Mr. Hastings's defence states as one reason for seizing the Begum's treasures, that she had resisted the resumption of her Jaghires with actual force.—No such argument was ever urged by Mr. Hastings—whether the Committee shall determine for or against him, the fact is clear that he has at all times avowed, that he strenuously encouraged and supported the Nabob in seizing the Begum, in consequence of the active part she took in the insurrection of Benares—I implore gentlemen to read Mr. Hastings' letter throughout, and they will find this is the only ground he ever took—but the way in which the mistake appeared, it is very easy to explain.—Mr. Hastings consented to the seizure of the Begum's treasures on the 1st of December, 1781, and wished it to be done immediately. He pressed the business, and he repeatedly wrote with

with the greatest earnestness to Mr. Middleton upon it, in the course of the month of December, and threatened to go to Lucknow himself, unless Mr. Middleton would accomplish this point. The whole month of December passed over, and it was not until the 8th of January, that the Nabob and Mr. Middleton had arrived at Fyzabad. In the interval between the 2d of December, and the 8th of January, orders had been issued for the resumption of the Jaghire, and resisted, which the Nabob assigned as a reason for seizing his mother's treasures — but Mr. Hastings' encouragement and support of that measure, was originally taken up upon one ground, and one ground only, namely, the share the Begums had in the insurrection of Cheit Sing, of this his correspondence with Mr. Middleton during the month of December, gives most ample proof. In Mr. Hastings' letter to the Board of the 23d January 1782, he says, "This resolution (to seize the treasures) I have strenuously encouraged and supported, not so much for the reasons assigned by the Nabob, as because I think it equally unjust, and impolitic, that they should be allowed to retain the means, of which they have already made so pernicious a use, by exciting disturbances in the country, and a revolt against the Nabob their sovereign." In my evidence before the select Committee in the month of February, 1783, I stated clearly and distinctly, that the treasures of the Begums were seized, as far as Mr. Hastings was concerned in it, in consequence of their rebellion, during the insurrection of Cheit Sing. In the same light the Court of Directors understood it most undoubtedly, as appears by their letter to Bengal, where they say, that if it shall appear they were not concerned in the rebellion of Cheit Sing, their Jaghires shall be restored to them. In Mr. Hastings' instructions to Mr. Bristow, dated the 22d October 1782, he says, "The severities which have been exercised towards the Begums, were most justly merited by the advantage which they took of the troubles in which I was personally involved last year."—In short Mr. St. John, there are a thousand incontrovertible proofs, that Mr. Hastings had never the most distant idea of grounding his consent to the seizure of the treasures, on the resistance made by the Begums, to the resumption of the Jaghires, nor was it ever so understood by the Directors at home, or by the Begum in India, since she herself in her letter to Mr. Bristow, says, "The conspiracy now framed an accusation against me, of a conduct which I never had conceived even in idea, of rendering assistance to Rajah Cheit Sing."

Mr. Hastings arrived in Calcutta on the 5th of February, 1782; and on the 11th, by the same vessel that carried his
narrative

narrative and the depositions, the Governor General and Council write,—“In order to punish the Begums for this “daring ill conduct, (resisting the resumption of the Jag-hires) the Nabob resolved to seize her wealth:”—and the paragraph is strictly consistent with the fact as it happened. Mr. Hastings gave his consent to the measure on other grounds: the Nabob, from what cause Mr. Hastings knew not, became reluctant; at length, after the Begum had opposed the resumption of the Jaghire, he marched to Fyzabad, and the treasures were seized; but the long reluctance of the Nabob, and the motives upon which he did resume the business, after above a month's delay, do not at all affect the consistency of Mr. Hastings' declarations, which, whatever the determination of the Committee may be upon the charge, were uniform: that the share the Begums had in the insurrection of Cheit Sing, justified him in encouraging and supporting the Nabob in seizing her treasures; at the same time he took effectual care that they should be applied to the liquidation of the Company's debt. Every gentleman conversant with the mode of doing business in India, knows that the Secretary draws up the general letter, which is afterwards submitted for correction or alteration to the several members of the Council. As the letter alluded to was dated so very early after Mr. Hastings' return to Calcutta, it is highly probable that this particular paragraph was written before his arrival; but when you have before you his own letter to the Council of the 22d of January 1782, his instructions to Mr. Bristow in 1782, the Begum's letter to Mr. Bristow of the same date, the Court of Directors' orders to Bengal of 1783, and the universal notoriety of the fact, no man living can suppose that Mr. Hastings ever for a moment thought of shifting the ground upon which he had withdrawn the guarantee of the Company from the Begum. That ground he publicly acknowledged, and the Directors perfectly understood it. Why the Nabob, who gave his consent on the 2d of December to the measure, afterwards drew back, is not known to this day; but when he did resume his intention, it was because they had resisted his resumption of the Jag-hires.

Having explained the motives upon which Mr. Hastings acted, and having satisfactorily, I hope, accounted to the Committee for the insufficiency of verbal evidence at the bar of the House during the last session, I now desire to call the attention of the gentlemen opposite to me, to the arduous situation of India at the time these events occurred; and I am the more desirous of doing this, because I find a very fallacious gloss is thrown upon the single circumstance of Mr. Hastings having, in the midst of his difficulties at

Chunar,

Chunar, effected a separate peace with Madagee Sindia, which in its consequences restored peace to India at a more distant period. I can affirm most safely, that there never was a period of history in which any empire upon earth was in a more precarious state than the British empire in India, from the month of October 1780, to the beginning of the year 1783; and that the *most* critical time, even of that momentous period, was precisely at the instant when Mr. Hastings strenuously encouraged and supported the Nabob in seizing the treasures in his mother's possession for the liquidation of the Company's debt. Whatever gentlemen may think in these days of tranquillity, warmed and animated as they have been, and still are, by the eloquence of the honourable gentlemen, the time of cool reflection will come, and then they will be convinced that India was saved by the recovery in the month of January 1782, of the debt due to the East-India Company by the Nabob. I do not desire the truth of this fact to rest upon my assertion, but shall proceed to prove it.

In the month of September, 1780, the intelligence was received in Calcutta, that Hyder Ally Cawn had defeated Colonel Baillie's detachment, and that Sir Hector Munro had found it necessary first to retreat to the Mount, and from thence to Madras. In that situation, men, money, and provisions, were required from Bengal, in order to save the Carnatic. But this was not all—at the same time accounts were received that a very strong armament was expected from the island of Mauritius and from France to co-operate with Hyder Ally. This armament arrived the following month of January, consisting of seven sail of the line, with frigates, and a number of French troops. Very fortunately, and very unexpectedly, and very unaccountably, this formidable force under Mr. D'Orvès returned to the islands without effecting any thing. The right honourable gentleman below me (Mr. Dundas) has allowed, upon various occasions, that to the spirited exertions of Mr. Hastings in October, 1780, we are indebted for the preservation of the Carnatic. The honourable gentleman (Mr. Francis) quitted India in December, 1780, and on his arrival in England he gave to the Court of Directors a most gloomy account of the state of affairs in India, but scarcely, I allow, exceeding in reality the desperate state in which he left us. Sir Eyre Coote got safe to Madras with a reinforcement of men, money, and provisions. I desire, gentlemen, to read what his representations were. He wrote to Mr. Hastings and the Council, that his army must in future be paid, and fed from Bengal, and even with every assistance that could be afforded him, the issue would be exceedingly doubtful. At this

this same moment, Chimnagée Boolla, the son of Moodagée, was at the head of a Mahratta army at Cuttack, which had marched for the avowed purpose of invading Bengal. This storm Mr. Hastings averted by the payment of sixteen lacks of rupees, and by so doing he withdrew Moodagee from the confederacy. He secured the unmolested march of Colonel Pearce at the head of ten battalions of sepoy, who joined Sir Eyre Coote before the second action with Hyder, and he effectually broke the confederacy that had been formed against us—a service for which he was condemned in the year 1782 by a resolution of this House, but which every rational man now speaks of with the same applause that an honourable and learned gentleman (Mr. Anstruther) spoke of it in October, 1782, at a General Court. All the money that could be borrowed upon bond was borrowed previous to Mr. Hastings' departure from Calcutta in July, 1781, when he proceeded to Benares. Our funds were gone, but the public necessities daily increased.

I beg leave to mention a very singular circumstance, in order to prove the distress to which we were reduced—Our army in Bengal was considerably in arrears. Our investment was kept up by loans; and in the month of November, 1781, when it was absolutely necessary to send a considerable supply of money to Sir Eyre Coote, the Council in Calcutta, Mr. Wheler and Mr. Macpherson, could not complete the sum from the public treasury, but upon the credit of a principal native in Calcutta, borrowed five lacks of rupees, which was repaid from the first collections. In Oude the army was six months in arrears. The brigade at Cawnpore was very considerably in arrears, so was Colonel Muir's army in the Mahratta country, and vast supplies were required at Madras and Bombay. Mr. Hastings knew that Mr. Suffrein would be upon the coast early in 1782, and without the most strenuous exertions, India was lost for ever to Great Britain. Important as was the peace with Madagee Sindia, at the time it took place, I affirm that those know nothing of India who assert, that that event alone deprived Mr. Hastings of the plea of necessity for the strong measure he adopted; if that had been his plea;—but whether the seizure of fifty-five lacks of rupees was justifiable on the ground Mr. Hastings acted, or whether it was justifiable on the plea of necessity, or whether it is not to be defended on either ground; of this I am certain, and every man who knows any thing of India thinks with me, that fifty-five lacks of rupees were not to be procured by any other means, and that without such a reasonable supply we might at this moment be debating how Mr. Hastings should be impeached for losing India. Let me again remind the Committee of a former speech of the right

honourable gentleman's (Mr. Dundas), That God knew how Mr. Hastings managed, but he did manage somehow or other to raise money, and without money the empire in India must have been lost. Gentlemen should consider that we cannot do in India as a Minister does in Great Britain. We cannot borrow a hundred millions upon the strength of taxes, which are to be a clog upon our remotest posterity. Our empire in India must be preserved by the exertions of the moment, proportioned to the danger of the moment; and the honourable gentleman, as he advances in Oriental knowledge, will discover, that the man who shrinks from responsibility will lose a distant empire. Probably it will never happen to me to be upon service, or in a command of any consequence; but I protest I should go out with some degree of uneasiness, after the doctrines that have been advanced. I have ever understood that circumstances may arise, which would render it meritorious even to plunder a Mosque, or a Zenana.

Gentlemen talk very finely in this House of what Mr. Hastings ought to have done; that if the necessity had been so good as I have stated, he should have got money equally from different people—But how, or from whom? The Nabob owed us a million sterling—He had neither funds nor credit beyond a certain extent—His mother was known to have more than a million, which her eunuch had stated was a treasure accumulated for an emergency—a state emergency, What then is the question? Had her conduct been of such a nature as to justify Mr. Hastings for permitting the Nabob to seize this money for the Company's use, when the existence of the British empire depended upon it?

Before I sit down, permit me to say a few words, Mr. St. John, on the pathetic manner in which the honourable gentleman has painted the distresses of the eunuchs Behar and Juvar Ally Cawn. I do assure that honourable gentleman, that I have seen scenes of distress in my own country far exceeding any that I have seen in India, except during the year of the dreadful famine in Bengal, in 1770: but with regard to the severities used in the recovery of debts in England, if he will visit the King's Bench, or the Fleet prison, he will find scenes of woe that would wring the heart of man, and far, very far, indeed, exceeding any hardships that were sustained by these eunuchs. I allow that the custom of imprisoning for debt is a horrid one, if it could be avoided: but it is a notorious fact, that men of great property in India will submit to a confinement for months, and to every species of indignity, if by so doing they can avoid the payment of their debts. I beg pardon of the Committee for having detained them so long. Much of the honourable gentleman's speech has escaped me: but he was almost as ingenious,

genious, though less eloquent, on a former occasion; I mean in the debate relative to the Dehli negociations. Later information must have convinced him, that all his ingenious reasoning at that time yielded to the matter of fact, which was, as I plainly stated, that Major Browne had concluded no treaty with the Mogul. The present question is perfectly clear, in my opinion. Mr. Hastings, acting from undoubted information, took a strong measure relative to the Begums, and procured in one month a payment of fifty-five lacks for the Company. Upon such grounds, if the House of Commons of Great Britain should be of a different opinion, I hope they will in their justice repay this money to the Begum, which, with the interest upon it, will amount to a million sterling, and that they will applaud Mr. Hastings for an act which preserved India to Great Britain.

I must beg leave to mention one circumstance more which has been most unfairly stated, and the most unwarrantable inference drawn from it. Mr. Hastings in September 1782 received a present of ten lacks of rupees in bills from the Nabob and his ministers, drawn upon the house of Gopaul Doss, the first banking house in Hindostan. Though the bills were accepted, they were slowly paid, owing to the confusion of the times, and to Gopaul Doss, the head of the house, being then a prisoner with Cheit Sing. By the first dispatch, the Nancy, the same vessel which carried home Mr. Hastings' Narrative, he states the circumstance to the Court of Directors: he applies the money to their use; and knowing that they had on former occasions rewarded their servants, he has the presumption to ask them to consider him, and to give him this money when they can better spare it. Here is the plain matter of fact; and it has not the slightest connection with the subsequent seizure of the Begum's treasures; nor was the money paid from the produce of those treasures: it was paid by bills drawn in September 1781, accepted at that time, paid by the banking house of Gopaul Doss, and, in fact, as the money was received, it was carried to the Company's credit.

There is but one other circumstance that I shall mention to the Committee before I sit down. A strange stress is laid upon this point. That the Court of Directors sent an order to inquire into the guilt or innocence of the Begum at the time of Cheit Sing's rebellion, and that Mr. Hastings declined to carry that order into effect. The order arrived in Calcutta, in August, when the whole Council were strongly united against Mr. Hastings. Mr. Wheeler, professing his firm belief that the Begums had been concerned in the rebellion, from all the information which he had been able to obtain from persons perfectly impartial—but he proposed an

inquiry. There it rested, and at the end of twelve days, Mr. Stables took it up. He proposed, that the Resident at Oude, and the commanding officer, should be ordered to inquire into the truth of the reports of their disaffection. Mr. Hastings opposed it as unnecessary, but said, that if an inquiry was to be made, it should be from all persons capable of giving information. Mr. Macpherson also opposed the inquiry, and professed his conviction that they had taken an active and a hostile part against us during the rebellion of Cheit Sing; but he proposed that a letter should be written to them expressive of the favourable sentiments of the Company towards them; and Mr. Macpherson clearly stated, that the words of the Court of Directors' letter, which he had construed to be an order, did not appear so upon re-perusal. Mr. Hastings assigned unanswerable reasons why it would be improper to write such a letter. These were, that no complaint had ever been made by the Begums; that they were then on very good terms with the Nabob, their son, and grandson, and that such an inquiry could answer no one good end. Mr. Macpherson gave up the point, and the Council, though all united against Mr. Hastings, dropped it. They had the power to make the inquiry; Mr. Hastings desired, if they did, that it might be from all persons capable of giving evidence—they did not make it. There was no order from the Court of Directors to make it, according to their construction of the letter; and it is plain, they construed it right, since neither the Court of Directors, nor the Board of Control, ever thought of such an inquiry, from February, 1783, to this day. But I will tell you what they have done, Mr. St. John; the Court of Directors and the Board of Control have fully approved of all Mr. Hastings did in Oude, and they have positively ordered, that his final arrangement with the Nabob Vizier should be inviolably adhered to.

Mr. Chan-
cellor Pitt.

Mr. Chancellor *Pitt* remarked, that even from the earliest period of an attempt to investigate the important charges now in question, he had considered the matter in a light serious beyond description, most deeply involving, not alone the honour and character of the House but the integrity and reputation of the party accused. It therefore behoved the Committee to deliberate with the greatest temper, and not to decide in any one stage of the business without having previously made the fullest investigation of every fact stated in each particular charge, and a careful comparison of the whole of the evidence adduced, with the facts charged, both in favour of the criminal at the bar, and in support of the accusation laid against him: so that gentlemen might give their votes upon the fullest conviction of their fulfilling their duty

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conscientiously, honestly, and justly. He had the satisfaction to know that this had been the line of conduct which he had pursued from the moment that the subject had been first submitted to the consideration of Parliament, and as he had ever been of opinion, that the charge relative to the princesses of Oude, was that of all others, which bore the strongest marks of criminality and cruelty, so he had been peculiarly careful to guard against the impression of every sort of prejudice, to keep his mind open and fit for the reception of that which could alone fairly and conscientiously establish innocence, or bring home conviction of guilt; and in order the better to enable himself to decide with safety, he had, with the utmost minuteness and attention, compared the charge, article by article, with the evidence adduced at the bar in support of each, and with the various minutes and letters brought before the House, or any where to be found within his reach: happy, indeed, he declared himself, that the Committee had not obliged the debate to proceed the preceding evening; for, he made no scruple to confess, that he was then prepared to give his sentiments upon the charge with much greater satisfaction to himself, than he could have done the preceding night. Conscious that he had no other view in wishing for the adjournment, than (what every gentleman who meant to speak on the subject, must have in common with himself) an anxious desire to enable himself to satisfy his own mind by a comparison of the different sentiments he had heard that day with each other, in the first instance, and with the opinions he had formed before, made him indifferent to those suggestions which were thrown out, as if there was some sinister motive in his breast which prompted him to support the question of adjournment. He said, he alluded not to any thing that had fallen from a right honourable gentleman opposite to him, because he did not believe that any thing from him would bear such a construction; indeed he was sure if it would, the right honourable gentleman would not have declared that he meant not to throw out such an imputation. The charge had been brought forward in a manner altogether so unprecedented, as far as eloquence and abilities were concerned, that it was an additional reason for his feeling himself happy at the interval and pause that had been afforded the Committee, since it gave him an opportunity of coolly weighing and considering the arguments that came with such irresistible force from the honourable gentleman who had yesterday introduced the motion, and of examining with more scrupulous investigation, than he could possibly have done while he was under the immediate impression they had made upon him and upon the Committee in general; and it was with great ease to himself that he could now rise and declare,

declare, that the result of this deliberation would be a concurrence with the question; but at the same time that he made that declaration, he thought it necessary to say, that although, for the reasons he should state, he meant to vote with the honourable gentleman, yet he wished it not to be understood that he acceded to the whole of the grounds of accusation contained in the charge, or the inferences that had been drawn from them. There were parts of the charge that so far from appearing to him to be matters of impeachment, he could scarcely agree to consider them as matters of accusation: but, concurring as far as he did, he should be ashamed if he did not state the reasons upon which he had formed his opinion, and that he would do in as few words as possible. — In the first place, he should lay wholly out of the case, all the unnecessary articles of the charge, and come at once to the great fact, that of permitting the resumption of the Jaghires to the Nabob Vizier Asphoph Ul Dowlah. He entered here into a distinction of the degree in which this fact differed from all the others of this charge, and pointed out how far it was or was not a matter of accusation. He spoke of the treaty entered into by Mr. Bristow in 1776, and traced all the subsequent proceedings with the Nabob down to the treaty of Chunar, pointing out the situation in which the Company stood as guarantee of the treaty in both instances, and expatiating with great warmth and energy of the nature and duties of that situation. He next mentioned the seizing upon the treasures of the Begums, as the still greater and more important part of the accusation; and in order that the Committee might the more precisely understand the circumstances that tended to confirm its being of great weight as a matter of criminal charge, he called their attention to the particular period of time in which it was first mentioned, that in which proceedings of any sort took place upon it, and that when it was carried into execution — He stated the difference between the two facts, the resumption of the Jaghires, and the seizing upon the Begums' treasures, and said, he greatly feared it would be found that the latter measure was never thought of till the former was about to take place, and that no good cause could be assigned to justify the latter's having been executed. This he was rather apt to believe, as it appeared to him that the complaint of the Begums being in resistance on account of the taking of the Jaghires could not be true, as the fact would turn out that the treasures were first seized. He contended that as to the resumption of the Jaghires, there were situations in which that might be justified; in a country with a free constitution like Great Britain, they all knew that grants of the Crown, and even the private freehold of an individual, could, in certain cases, be taken away; and surely principles

principles of justice that would apply here, might without any violence apply in a country the constitution of which was not so free. He instanced the patent places in the Auditor of the Imprest's Office, lately abolished; and a variety of other patent places abolished, where it was thought they stood in the way of public convenience. In Scotland the Heretable Jurisdictions had been, in like manner destroyed, and so in India upon an equivalent given, the public conveniences might require that the Jaghires should be resumed: indeed when it is considered that the disturbances of Oude had been notoriously owing to the number of independent Jaghireships, as a measure of vigour, and to restore government to its authority, such a step, on grounds of policy and public safety, might be justifiable. Mr. Pitt now returned to the second great point, the fact of having seized the Begums' treasures. There were two views, in either of which it was possible to make out a defence for Mr. Hastings, provided it were in his power to establish the grounds of justification; one was, if it could be made out that Mr. Hastings had seized them as a fine or forfeiture, with a view to penal prosecution, and as an example of justice; the other, the ground of state necessity; but as that was a plea of infinitely greater latitude than the other, so it required to be the more clearly ascertained and established. With regard to the first, had they been seized with a view to punishment, as an example of necessity, the seizure must have been preceded by a process, and have gone through some forms, because judicial proceeding had their indispensable forms in all countries, however different the forms of judicial proceeding might be in one country to what they were in another. The other view, that of necessity, was a view which called for nice ascertainment; the size of the emergency must be proved, or at least it must be proved that Mr. Hastings either saw, or thought he saw, a storm gathering round him, and he was bound to make out that fully and sufficiently. Having stated these two ways in which the seizure of the treasures might be defended, Mr. Pitt argued each, and put them into a variety of different lights; but, he said, it was clear that in the case of Mr. Hastings there was not the smallest trace of either to be discovered.

With regard to the report of the Begums having been in rebellion, the letter that first led at all to such an idea, was one written by Mr. Middleton, and dated October 17, 1781, which upon the face of it, appeared to be highly in favour of Mr. Hastings. He read the words to which he alluded, and mentioned, that it was written just after Mr. Middleton had returned from Chunar, where he had been with Mr. Hastings, and contained some copies of letters from Colonel Hannay, &c.

In this letter of Colonel Hannay's, it was hinted that there were reasons to suspect that there was a general plan of treachery on foot; no farther notice, however, was taken of this for some weeks, and then afterwards an order was sent to Mr. Middleton to institute an inquiry; but it was remarkable that an order to carry the seizure of the treasure into execution was sent at the same time. Mr. Pitt commented on these facts, and upon the affidavits annexed to Mr. Hastings' pamphlet, stating what material information was to be found in those affidavits. He reasoned upon the bare possibility, but gross improbability, of the Begums being in rebellion, and mentioned the preservation of Captain Gordon at the express instance of the Begum, as an incontrovertible proof of the attachment of that Princess to our interests. Mr. Pitt particularly animadverted on the time at which this event happened, and owned that he had been inclined to believe, that the circumstance took its rise in affected lenity, having understood that news had reached the Begums of the successful aspect of our affairs just before Captain Gordon's danger, and that they, in consequence, were anxious to wear away the remembrance of their treacherous intentions as soon as possible, and therefore gladly seized on the occasion of affording protection to Captain Gordon; but all this opinion, he was now fully satisfied, had been ill founded; he now knew that the Begums, so far from, at that time, thinking our affairs wore a prosperous appearance, were not undeceived as to the report of Mr. Hastings' disaster, and captivity at Benares. Their pure zeal and attachment therefore was unquestionable, and, that once admitted, all doubt of their being ready to join, or in actual confederacy against us with Chett Sing was in the highest degree improbable. One circumstance seemed indeed a considerable aggravation of the fact of seizing the treasures of the Begums, and that was, the making the Nabob the instrument. A son the instrument of robbing his mother! With regard to the manner of seizing the treasures and persons of the Begums, and the cruelties practised on their Ministers, of those charges he acquitted Mr. Hastings entirely, since there was no evidence to prove that he either took any active part in enforcing either, or knew any thing about them. Another circumstance had arisen which he considered again as an aggravation of the crime of Mr. Hastings; and that was, his stifling the order of the Court of Directors, his Masters, when they sent over an order for a revision of the proceedings at Fyzabad. That inquiry Mr. Hastings prevented. Mr. Pitt declared that he agreed with the honourable gentleman (Mr. Sheridan) in many parts of his argument, in some of which he had given him a new view of particular transactions; but there was one thing that

marked his speech, that he thought rather wrong; and if he had not perceived that it arose from real feeling, he should have endeavoured to have checked him at the moment; he alluded, he said, to the too great warmth and personal severity with which he spoke of the party principally interested in the proceedings. Were a great man, in the true sense of the expression, entrusted with the government of a country, and, at some critical period, reduced to the necessity of risking all for the public, if he could not willingly consent to hazard his character, his honour, nay his life, for the service of those whose welfare and happiness it is his duty to preside over and secure, he was unfit for his station, and ignorant of its first and greatest obligation. Such a man knows not what publicity is, nor can he have felt what public virtue is. Had Mr. Hastings been able to prove that he had acted on such principles in Oude, the Chancellor of the Exchequer declared, that, though he might have lamented his errors and their consequences, he would not have withholden his applause, his support, and his remuneration. After paying compliments to Mr. Nicholls for the intelligent manner in which he usually delivered his opinion, and to Major Scott for the accurate and minute information he was always prepared to furnish the House with on East-India subjects, he took notice of the contradictions evident between the different defences of Mr. Hastings, and his letters written in 1781 and 1786, and declaring that he had endeavoured to suffer these circumstances to impress his mind as little as possible, because it was no crime in a party accused to make a contradictory or a weak defence. These contradictions, however, could not but occasion some jealousy, to say no worse of them; and he must add, that he thought some of the means of defence resorted to, very unworthy means indeed for a great man, on such an occasion, to make use of.

Mr. *Sheridan* having said that he entertained too grateful a sense of the liberal indulgence with which the House were pleased to honour him on the preceding day, to think of trespassing at present, for any length of time, upon their patience, added, that several gentlemen had done him much greater honour than he deserved; but he could not but feel and acknowledge it to be a compliment when the right honourable gentleman was pleased so far to flatter him, as to say, that the arguments he had taken the liberty of troubling the House with, when he made the motion, had in any degree contributed to fix his vote in its support. Of such a compliment he was indeed proud, because conscious as he was that he stood up in a good cause, the advocate for millions, and the advocate for strict justice, to find he was likely to prove successful, could not but afford him the most sa-

lud satisfaction. He was the more happy also, as the right honourable gentleman, by his conduct, had proved, (what he should always be happy to bear witness to) that however the right honourable gentleman, and those with whom he acted, had differences, and sometimes warm altercations, on various political occasions; yet, when a great national question that called for the aggregate support of Parliament fell under consideration, their political and party differences sunk into petty jars, and the right honourable gentleman, laying aside all party considerations, was ready, in an open and manly way, to come forward, and prove himself a Minister, who felt for the honour and character of that House, and for the honour and character of the country. With regard to the objection the right honourable gentleman had taken, at his having, as the right honourable gentleman thought, expressed himself rather too warmly respecting the individual principally concerned in their present proceedings, he was extremely sorry if that had been the case. He neither felt nor professed to feel any malignity against Mr. Hastings. Those who knew him most intimately, he believed, indeed, he might, without vanity, say, knew that he had no malignity in his composition, and that he was not capable of feeling such an unworthy passion against any man. An honourable gentleman, who had spoken early in the debate, amidst a variety of extraneous matter, had thought proper to mention a conversation once more, which once before had been mentioned in that House, at which he was a little surprised, as the Committee would, without doubt, recollect that the honourable gentleman had been under the necessity of acknowledging that he had been mistaken in some of his most essential particulars. If the reason of the honourable gentlemen's allusion of that day had been owing to a part of his speech the preceding day, when he had talked of Mr. Hastings' dependents, he assured the honourable gentleman, upon his honour, he did not mean him. When he stood up in that House the public accuser of Mr. Hastings, he should be ashamed, indeed, if he could be thought capable of alluding to any gentleman who had a right to a seat in that House, and call himself the friend of Mr. Hastings. The honourable gentleman had that day said he was under obligations to Mr. Hastings; that being the case, his motives for attachment to Mr. Hastings were truly honourable. Gratitude was a virtue, amiable even in error. There was something in the frame of the mind of man which accorded with grateful feelings, and where the heart owed an obligation, the judgement could not be acute. Far be it from him then to find fault with any honourable gentleman who acted upon so noble, so praise-worthy a principle. Mr. Sheridan

ridan now added, that, after the vote of that day. Mr. Hastings and the House would be at issue. The business must then be removed to the proper tribunal, and he begged in the interim that gentlemen would recollect (for they seemed a little to forget) that their votes upon the distinct charges did not go to make Mr. Hastings a criminal, and they were not acting as judges, but as prosecutors. The judgement-seat was placed elsewhere, and if Mr. Hastings should be acquitted, unworthy, indeed, should he hold that man who either within or beyond the walls of Parliament considered Mr. Hastings otherwise than innocent.

The *Solicitor General* said, that he could not vote for an impeachment, whatever he might think of the criminality proved in this charge; and therefore, without entering at all into the consideration of the merits of the motion, he would not vote upon it. The Solicitor General

Mr. *Vanfittart* read a part of Mr. Hastings' letter of 1782, to prove that Mr. Hastings had sent the Directors at home an account of his having received the present of 100,000*l.* and that he meant to carry it to their account before he had received any of the money, which he considered as an unanswerable reply to the arguments urged by Mr. Sheridan on the preceding night, touching the present he received at Chunar. Mr. *Vanfittart* contending, that releasing the Nabob from his guarantee was no crime. Mr. Vanfittart.

Mr. *Fox* observed, that when the charge relative to Cheyt Sing was discussed, their votes had been the same, but their arguments had differed exceedingly. Now, that they appeared to be but trifling, and not more than one or two in number, it would be easy for him to state in what respect they differed. A right honourable gentleman (Mr. Pitt) had thought proper to remark, that he would pass over the contradictions in the different defences of Mr. Hastings, and consider them as mere matter of jealousy; but he (Mr. Fox) begged leave to remind the right honourable gentleman, that the false accounts of transactions in India sent home to the Directors by Mr. Hastings in 1781, and which were now acknowledged to be false, was in a servant of the Company, of itself, in his opinion, a matter highly criminal. Another thing had fallen from the right honourable gentleman, which he could not consent to, and that was this: the right honourable gentleman had said, Mr. Hastings was not answerable for the manner of effecting his orders to seize the treasures of the Begum, or for the severities practised on their Ministers; that he must deny. Whoever in Great Britain directed a felony to be committed, he was answerable for all the consequences. Mr. Hastings gave orders for the plunder of the Begums, he directed it to be carried into effect, Mr. Fox.

fectly, and he was answerable for all the consequences. An honourable gentleman (Mr. Fox observed) had talked of Mr. Hastings sending home advice of the present he received to the Directors. Undoubtedly he did so, but how? He wrote home word that the sum was too large to be concealed; that he had put it to their account, but he begged of them to let him have it for himself. Mr. Fox commented on this, and then said, the right honourable gentleman talks of releasing a guarantee, as if it were a slight matter. What, violate the solemnly-pledged faith of the Company, break a guarantee, and call it a trifle! The act was in the highest degree criminal.

Mr. Dempster.

Mr. *Dempster* observed, that his ideas concerning the defence of Mr. Hastings were (he was well apprised) so different from the sentiments of other gentlemen, that they were more likely to injure those he meant to serve, by being stated, than to serve them; for this reason he had hitherto generally given a silent vote upon the days when the charges had been heard; but as he now foresaw he should vote in a minority, he would venture to declare why he thought Mr. Hastings ought not to be impeached. Mr. Dempster then said, that when this country granted a power to the East-India Company to conduct the government of their territories in India, they authorised the sending out Governors to act at discretion as the necessity of the case required; and unless it could be proved that they acted from motives of personal corruptness, for what they did upon the principle of State necessity, they ought not to be held amenable; for Governors exercising power at such an immense distance as India could not be called to account like British Ministers at home. Mr. Dempster justified the treatment of the Begum's eunuchs, by saying the custom of the East sanctioned such severities; that money was there collected by the whip, and that stripes were the usual means of our enforcing payment. Mr. Dempster said, his construction of Mr. Hastings' words relative to his present differed greatly from that of the right honourable gentleman who spoke last, by talking of the difficulty of disguising such a sum on account of its magnitude. Mr. Hastings surely meant not to assign that as a reason for paying it into their treasury.

Mr. Boughton Ross.

Mr. *Boughton Ross* said, that although he was very ready to concur in opinion with the honourable gentleman who spoke last, that the conduct of persons who had been employed in stations of great power in India, ought not to be scrutinized by those rigid maxims which belong to our own constitution, or to the common practice of free nations; yet he could not allow a justification to be set up for Mr. Hastings by reference to a supposed practice of cruelty in the revenue system

system of Bengal, which he did not conceive to exist. That being his sincere opinion, he was confident he should gratify the feelings of the Committee, as well as his own, in preventing such impressions from going abroad, and in endeavouring to remove a disgraceful imputation from the British government in Bengal, which in general he believed to be humane. He mentioned moreover some circumstances to show, partly from his own knowledge, and partly from the information he had lately received from Mr. Shore, who presided three years in the Khalfah at Calcutta, or Exchequer of the Company's possessions, that the custom of enforcing the collection of the revenues by corporal punishment, was either absolutely discontinued by the English, or that it prevailed infinitely less than it had done before the country came into our possession.

As to the question before the Committee, Mr. Rous said, that, according to his idea of the Jaghire tenure in India, and of those Jaghires possessed by the Princesses of Oude, he held the resumption of them to be a justifiable act, upon principles of general policy, even notwithstanding the guarantee of the Company's government, provided an equivalent was secured to them in money. But he did not think sufficient grounds were laid to justify the seizure of their treasures, and therefore he must join in the resolution proposed at the same time, without pledging himself, in the present stage of the business, necessarily to vote for an impeachment, or to reject the plea of extenuation, in case there should appear, as he thought there would, in discussing some of the remaining charges against Mr. Hastings, matter deserving rather the applause than the censure of Parliament.

Mr. Rous here made an appeal to the candour of those gentlemen who had been in India, and whose residence in that country had unquestionably qualified them to judge between him and the honourable gentleman who spoke last, to say, whether the cruel treatment mentioned by the honourable gentleman, or the direct reverse of the propositions, was the most distinguishing feature of the English government in Bengal.

This had the desired effect; and Mr. *Le Mesurier* proceeded with considerable warmth and energy to defend Mr. Hastings, denying that any one person in India called for the crimination, much less his impeachment, although it had been said that millions complained of his conduct.

Mr. *Samuel Smith* concluded the debate by observing, that he had seldom troubled the House upon India questions, and that he trusted even at a late hour the situation he formerly held, and the circumstances under which he quitted it would secure to him the attention of the Committee for a few minutes;

Mr. Le Mesurier.

Mr. Samuel Smith.

minutes; that he rose not merely as the advocate of Mr. Hastings, but in defence of public situation, called upon to act for the preservation of the state, in great and critical moments, when it is necessary to decide without much deliberation, and the salvation of the empire may depend upon immediate action; under such circumstances, and when the great end has been attained, that it was surely hard to criminate, because in the execution of it there may have been some errors, which never would have arisen in cases where the subject could have met a cool deliberation. That the severity towards the Begums in the execution of those plans, was made necessary to be carried into effect with firmness, from the situation in which the empire then stood, and when a want of decision might have lost it, was contended as a criminal charge against Mr. Hastings, and argued as wanton acts of cruelty; surely it was a little unfair to attribute it to such motives, when the whole tenor of his private life gives a complete negative to such an assertion. That he would venture to say there is not a more humane, a more benevolent, a more generous man, or a man more open to the calls of private friendship, or who during his administration had been a better friend to the distressed, or more liberally relieved them. That he would for one, never admit that good and amiable principles in the private man, could be so contrasted in the public. Had there ever existed in this or any other country any administration the most pure, whose every tract would bear the test of abstract investigation? If such conduct is difficult to stand the trial of complete perfection in a free Government like this, how much less is it to be expected in that of a Governor sent to rule a People, accustomed to despotic government, and prone to look upon every relaxation of severity and enforcement, as a weakness in the executive member of it. That a People used to the habits of an absolute ruler, were but ill formed to receive, or to be controlled by the lenient measures of a British constitution. He observed that this nation was a humane one, and easily roused by the call of oppression. That he would state it fairly to the Committee, and defy any one to disapprove it, that notwithstanding all that has been said within those walls, and all the publications that have made their appearance without them, that the nation did not feel to this moment that Mr. Hastings had acted wrong, or that he was an object of impeachment. He said, is there any nation in Europe that does not feel or know the services he has rendered this country, and that it was his measures and firmness that defeated the designs of very able men sent to that part of the world, to counteract his plans, and to conspire our ruin. We are trying, says he, government upon

upon the narrow scale of private life; we are holding out that in the exertions to save an empire, the scope and tendency of the measure shall be laid out of the question, and the little errors that may have arisen, become the subject of impeachment. That he lamented feelings from a conviction, that if in cases of imminent danger to the country, great and able men would not take upon themselves to act, from an apprehension of responsibility, if in the moment of that danger the whole of their conduct did not square with the cool deliberation of the closet, that the empire might be lost. And sorry I am, says he, to remark that there seems to be but little inducement for a man to risk any thing in the public service, or to exert himself beyond the cold line of official duty. This country, at some future time may feel the effect of such a doctrine, confirmed in my opinion, that it is uncandid to try Mr. Hastings by the discussion of minute parts of his conduct, on questions of abstract proposition, and without taking into our view the scope and tendency of it, and the material benefits that have resulted to this country, and which it every hour feels. I shall give my decided negative to the question.

The Committee divided, Ayes 175.—Noes 68.

The House adjourned.

Friday, 9th February.

Mr. Adam begged leave once more to make his complaints against the circumstance of detaining of the writ for Renfrewshire. He cited different Acts of Parliament to support the arguments he used, and concluded with making the complaint in form, and moving, that the returning officer appear at the bar on the third of April, which day, he said, he had fixed on, as the petition complaining of an undue election would in all probability be heard and decided towards the end of March. Mr. Adam

Sir Adam Ferguson asserted, that the Act of Parliament had directly a contrary tendency to that, in which the honourable gentleman had argued it. Sir Adam gave the House a sort of history of the customs of Scotland respecting elections for Members of Parliament, and said, the gentleman who was the object of the motion, was upwards of 70 years of age, a man of a most respectable character, that he had been Sheriff depute of the county for above forty years and was esteemed by all who knew him. Sir Adam asked, what end was the motion to answer, or what necessity was there for it, when the election was over, and the gentleman who complained had taken his seat? Sir Adam Ferguson.

Mr. Adam replied, and defended his former argument.

Mr.

Mr. Dundas. Mr. Dundas prefaced a motion to adjourn the consideration of the complaint till the 30th of March, with a short speech, shewing it to be unnecessary and vexatious to proceed upon the business before the merits of the petition were decided upon.

The motion, ordering the appearance of the returning officer at the bar was withdrawn, and Mr. Dundas's motion agreed to.

Sir Gilbert Elliot. Sir Gilbert Elliot gave notice, that on the first vacant day he should move for the attendance of Sir Elijah Impey.

Mr. Burke. Mr. Burke gave notice, that when the next charge against Warren Hastings, Esq. was brought forward, he should move for the attendance of Sir Elijah Impey and Mr. Middleton.

Mr. Fox. Mr. Fox observed, that it gave him pleasure to assure the House, that he should trespass but a short time upon their patience, as the documents for which he meant to move for, went merely to the situation of our present, and the probable state of our future trade with Portugal, which though an object essentially necessary to be known in that House, previous to their coming to any decision upon the commercial treaty with France, yet, as far as it opened a field for argument, could only be considered in one of these two points of view, viz. Whether before we had entered into a commercial treaty with a new customer, we had taken care to secure our connection with an old and valuable customer; or in case of not having done so, whether having made a treaty with France we were likely to keep our connection with Portugal, our old customer, if the treaty was to be commercially considered; or our old ally, if the treaty was to be considered politically; or solely trusted to putting ourselves exclusively into the hands of France, both as a customer, and—not an ally, for that she certainly could not be called, but as a new political friend. These were the heads under which every argument upon the subject must range; and the better to make himself understood by the House, he would point out the three periods of time, at which the treaty with Portugal could alone have been made, but at each of which periods undoubtedly, there was a material difference in point of ease and advantage. The first of these periods was, that of all others, most desirable, because it must have been free from every imputation, either on the score of impolicy or suspicion of any kind whatsoever; the last of the three periods was certainly open to a proportion of suspicion, but he really thought, that though some suspicion might at first attach to it, in a very short time, that might be done away; but there was between these two periods, an intermediate period of a very doubtful and suspicious nature indeed; and that of all others

others was the most objectionable. The period most advantageous of the three, obviously was, that prior to the conclusion of a treaty with France. Had a treaty with Portugal been secured and settled at that moment, it would have manifested a fairness and a decency on our part to an old ally; and it would have exhibited a good example of the dignity of this country, by shewing, that before we entered into new treaties or sought for new friends, we took care to secure the continuance of our old connections. At that time, therefore, in his mind, the treaty with the Court of Lisbon ought to have been adjusted, because he never could be brought to admit, that our commercial connection with Portugal ought to be blended with, or make any part of the measure of a commercial treaty with France, though the converse of the proposition might be true, and indeed was so. The next best period for making a treaty with the Court of Lisbon, was subsequent to the parliamentary sanction, and final carrying into effect the commercial treaty with France, and after the reduction of Portugal wines, according to the reserve made in the 7th article of the French treaty. That period (as he had before said) was certainly not so free from objection as the former one, but most objectionable was the intermediate period, that between the signing the French treaty, and the Parliament of Great Britain giving it their sanction, and engaging to carry it into execution. In order to illustrate this assertion, and explain more fully what he meant, Mr. Fox went into argument to prove, that if Portugal should, through any perverseness, or ill-judging obstinacy, (which Heaven forbid! should be the case,) refuse to continue the same connection with us that had subsisted between the two countries under the Methuen treaty, ever since the year 1703, France would in that case derive a great additional advantage from us, for which we neither should have an equivalent, nor could claim one. He knew that some doubts had arisen as to the right construction of the Methuen treaty. As a Minister, when in office, he had felt it to be his duty to negotiate it one way, but he was aware that the Court of Lisbon had contended that Irish woollens were not comprehended under the Methuen treaty—(The Chancellor of the Exchequer said across the table, if the right honourable gentleman acted one way as a negociator when in office, he hoped he would not lend the weight of his authority the other way, now he was not in office) Mr. Fox said, if the right honourable gentleman had heard him to the end of his sentence, he was sure he would not have thought, what he meant to have expressed, to have been wrong, injudicious, or ill timed. What he was proceeding to say, was this, that the Court of Lisbon had contended that Irish wool-

lens were not comprehended within the meaning of the Methuen treaty; but that was an idle and a mistaken notion; the spirit of the Methuen treaty undoubtedly went to Irish as well as British woollens, and to lay down any distinction between the two was narrow and unpolitic, and by no means consonant with that generous and liberal line of conduct that the Court of Lisbon and the Court of London should mutually take care to follow respecting the concerns of each other. His opinion was, and that an opinion founded on conviction, that Portugal was bound to listen to the complaints of our merchants, and that it was the duty of Ministers to take care to enforce their just demands, so as to have the Methuen treaty observed as to its spirit, rather than as to its mere letter. On our part we ought to act with equal liberality, and rather grant to Portugal more than she could claim by treaty than less. Upon that principle the two countries might continue connected and be useful friends to each other. If Portugal should, either by the influence of other Powers, or the perverseness of her own Ministers, break with us entirely, and an end should be put to the Methuen treaty, we should lose an useful friend, and should undoubtedly feel the loss; but Portugal would soon find, that she had acted rashly and injudiciously, that she had injured herself most essentially by breaking her old connection, and that no new commercial treaty she could enter into or conclude, could possibly prove in every point of view so serviceable and so advantageous to her as her connection with this country had proved. In that light, he had uniformly considered the Methuen treaty and the connection between Great Britain and Portugal, and so, he believed, every man who knew any thing of the commercial interests of the two countries must have considered them.

Mr. Fox now proceeded to shew the disadvantages of putting the finishing hand to the French treaty, by Parliament's coming to a vote upon it, before they knew what would be the state of our trade with Portugal.—The principles of the French treaty were reciprocity of advantage in respect to commerce, not that each country was to do the same thing exactly in respect to each commercial commodity, because that would be impossible, but where the duty was lowered upon any commodity in one country, an equivalent was to be granted by the other. But if the treaty with France was sanctioned without knowing what was to be done with Portugal, we must remain in the dark, and might eventually give France an advantage for which we neither had the prospect of an equivalent, nor could set up any claim to an equivalent. Mr. Fox explained this, by putting the case, that Portugal should, either through her own perverseness, or the influence

France

France was known to have over the Court of Lisbon, be so unwise as to refuse to come into any treaty with Great Britain; in that case, we certainly should not lower the duty on Portugal wines, and then France would positively have a material advantage, in addition to the advantage already given by stipulation in the treaty, for which additional advantage, we should not have a right to claim an equivalent. Thus France would be in the condition of a person purchasing an estate, with a mine upon it, without having paid for the mine. Would not every man, in that case, blame the seller of the estate, for not having ascertained, whether there was a mine upon it or not, before he sold his estate? The case stood exactly in that manner between Great Britain and France; if Portugal broke with us, France would have all the benefit without having stipulated to give any equivalent to this country. Mr. Fox then mentioned, as another probable inconvenience, that if we should lower the duty on Spanish wines, France would have a right to call upon us to make the same reduction in the duties on the French wines, because we had stipulated that her wines should come in upon as low duties, as were paid on the wines of any country, except the wines of Portugal. The validity of this argument would be seen by the reading the sixth, the seventh and eleventh articles of the French treaty. Mr. Fox recapitulated the heads of his argument before he sat down, and then said, that if the object he aimed at, which, he hoped, he had made sufficiently clear to the right honourable gentleman, could be obtained by any other motion, or by any other way of wording his motion, he was ready to give it up, or alter it, though he could not give up his argument, as he conceived nothing could be more evident than the grounds he had rested it upon. Mr. Fox explained why he had selected the year 1782 as the date, from which the papers were to be made out. He said, he would not go so far back as the year 1758, when the merchants began to complain of the conduct of the Court of Portugal as to the non-observance of the Methuen treaty, but fixed upon the year 1782, as more modern, at the same time that it was not so modern, as to be a period that interfered with negociations of a nature too recent to be touched upon. He concluded with moving,

“ ‘Than an humble address be presented to His Majesty, humbly to desire, that he will be graciously pleased to give directions, that there be laid before this House, copies or extracts of the instructions that have been given to his Majesty’s Ministers in Portugal since the first of May 1782, respecting the complaints of the British merchants. As also the answer or answers of the Court of Portugal to the representations which have been made in consequence of

“such instructions, with the several dates of the said instructions and answers.”

Sir Grey
Cooper.

Sir *Grey Cooper* observed, that no consideration whatsoever should have induced him to second the motion of the right honourable gentleman, if it did not appear to him to stand on fair parliamentary ground, and if the right honourable gentleman had not, in his opinion, made a good case for this interposition, before the great and momentous question of the commercial treaty with France was brought into deliberation. In the preliminary and incidental conversation on the subject, which was now, for the first time, brought directly and regularly before the consideration of the House, the right honourable Chancellor of the Exchequer had informed them, that the negotiation was now pending between Portugal and this kingdom, and that he therefore could not consistently with his duty, as a Minister, consent to the communication of any papers respecting the present actual state of that negotiation. This did not appear to him to be a satisfactory reason for the refusal of such a communication under all the circumstances of this case. With great deference to the House, he thought the House was competent to inquire and to ask for information, in the course and during the pendency of any treaty or negotiation, if it should have fair ground to believe, either from common fame, or by the disclosure of collateral circumstances, that any engagement was about to be made derogatory to the honour, or injurious to the interests of the nation. He was aware that Ministers had generally resisted such inquiries before the conclusion of the treaty or negotiation, under pretence, that the production of the papers called for, and the agitation of the debates upon them, might give advantage to the parties with whom his Majesty was at the moment making the contract, and might perplex and embarrass the King's Ministers, when, perhaps, they were on the point of concluding an advantageous treaty for the kingdom. This mode of reasoning might, perhaps, bear with some force against motions for papers respecting political treaties, or treaties of commerce, which required no alteration of duties to give them validity and effect; but not for refusing the communication of papers, materially relating to treaties of commerce, which were not valid and effectual until duties should have been altered, and laws should have been passed, or in the case of treaties of subsidy, where the contract was to have no energy or effectual existence, until that House could have voted and granted money for the subsidy to the foreign sovereign, or the pay of the troops. The right honourable gentleman's father opposed, with all the power of reason and eloquence, the subsidy treaties in 1755.

Would

Would he have suffered any Minister to have told him, without indignation, that the debate must be confined and limited to the approbation or disapprobation of the treaties before the House? that it was not proper or regular to inquire whether the consent of the House to those treaties would not give umbrage and offence to the other great allies of the nation, the Emperor and the King of Prussia, and bring on a general war, instead of preventing it. The signature and ratification of such treaties by the sovereign, gave them no effect. They were to be considered merely as propositions, recommended by the Crown to Parliament. It was the act and deed of that House, in the alteration of the duties, or the grant of the money for the subsidy, which gave such treaties effect, and the House was therefore responsible to their constituents for the consequences which might fall on their country by their consent to the propositions. They in a great degree exonerated the Minister. He took this to be a solid distinction, and applied it to the case before them. It appeared to him to be the duty of the House, to endeavour to make the best use of the short interval allowed them, in obtaining every material information, touching any matter necessarily to be connected with the French treaty, and every possible light to direct their steps, when they were hurried with such rapidity, not only to deliberate, but to give their judgement on the great and arduous question on the French treaty. Without entering into the principle, or the detail of the French treaty, which he owned would be premature and irregular at that time, it must be confessed, by all the members of the House, and of the whole community, who were deeply interested in it, by those who opposed it, by those who objected to it, and by those who doubted of its effects and consequences, that it was an experiment of the greatest magnitude and extent, and that it was an innovation which made a wide and comprehensive alteration in a system, which had very long prevailed in this country, and which had taken so deep a root, that the sudden disturbance and change of it might shake and impair the foundation of the main pillars which supported the strength and power of the kingdom. The right honourable gentleman had said, in former debates, that the French treaty might be considered and decided upon independently and separately from the present state of the negotiation with Portugal. He owned, that it appeared to him, that the fate of the Methuen treaty could never be totally separated from the votes in the Committee on the French treaty, and that if not directly, it must be virtually affected by those votes. If the right honourable gentleman would condescend even to inform them, if he would give them papers, to shew that the power reserved
in

in the close of the seventh article would be executed, in order to prevent the extinction of the Methuen treaty, and that the grievances and complaints which our merchants had against the Court of Portugal for what they construed to be infractions of that treaty, would be referred to commissaries to be settled in the same manner as the grievances of the merchants stated during the course of the treaty of Seville in 1729, he, for one, should be satisfied. The treaties with Spain were confirmed as being very advantageous to the political and commercial interests of Great Britain, and the complaints and grievances were referred to the commissaries to be settled, and reparation made to the merchants. It was not the intention of this motion to put the Minister under any disadvantage in the representation, and if they were founded in justice, in the demand of redress of those grievances. But let the great condition of the treaty be preserved inviolable, and then let no time be lost in the examination of the complaints. The attention of the whole world was directed towards the Methuen treaty. It was upon motion laid before the House in 1713, under the title of "A Treaty with Portugal for taking off the prohibition of the Woollen manufactures of this Kingdom." It was the shortest, it was the best treaty we ever made. The treaty had reference to the treaty made by Cromwell in 1654, by which the nation obtained great and extensive advantages of trade in the supply of Portugal, as well as the Brasils with its manufactures. In the year 1678 there was passed an act for prohibiting for three years, and to the end of the next session of Parliament, the importation of all French commodities whatsoever. This prohibition continued to the year 1685, as no Parliament had been holden from the dissolution in 1681, and at the end of the session, (at the accession of James II) it expired and was not to be revived. In 1684 it appeared that woollen cloths were actually prohibited in Portugal, and Sir Grey admitted it was the year before the prohibition of the French trade expired; after this prohibition in Portugal for nineteen years, and during that interval down to the Methuen treaty, Portugal supplied her home market and her colonies with cloth of her own manufacture. This evidence was laid before the House of Commons in 1713, when the merchants and manufacturers were heard in the Committee on the bill in support of their petitions against the eighth and ninth articles of the treaty of Utrecht. The prohibition in 1684 was said to be a project of their great and patriot minister Conde d'Eveceira, to establish manufactures in his own country, and it was also said, that he was assisted in carrying his plan into execution, by the opening of the French trade in 1685. The fact, however, was, that the prohibition

prohibition of the woollen of England continued for nineteen years, and he begged the House to recollect, that what had happened might happen again.

The House had, within these few days, been favoured with the accounts of the quantity and value of that great volume of commerce, which they might venture to pronounce to be the most beneficial and important of any which they now possessed. They were permitted to see the magnitude of the stake which they risked, and the sum of the advantages which were in peril and jeopardy, in the present state of things. The balance was now stated to be 500,000*l.* and more in our favour; it certainly had been more favourable; it seemed rising and advancing. Since the treaty, this nation had received between forty and fifty millions on the balance of trade with that nation. It was of the most essential importance to the landed interest, and the general industry of the nation, that this treaty should be preserved by the performance of the condition on our part. No advantages to be received from France could compensate the loss of such a trade. On Monday next, if the Committee came to resolutions to reduce the duties on French wines to 45*l.* per ton, and did not at the same time reduce the duty on Portugal wines one third part lower, it would be a dangerous tendency to the extinction of this great treaty. Were an act of Parliament to be carried into force, without authorising the usual reduction, he dreaded, lest the prohibition of woollens in Portugal should follow as a natural, if not an inevitable consequence.

Mr. *Beaufoy*, in reply to Mr. Fox, spoke to the following Mr. Beau-
foy.
purport:

If I did not misunderstand the right honourable gentleman who opened this debate, his motion proceeded upon an idea that it is impossible for the Legislature to determine how far the commercial treaty with Paris is or is not consistent with the essential interests of the kingdom, till they have the means of ascertaining what will be the probable effects of that treaty upon the conduct of the Court of Portugal. He thinks it impossible even to conjecture how far the treaty will prove beneficial or otherwise, unless we are informed, in the first place, what price is to be paid by England to France, as the condition of the advantages she expects to receive; and that information, he imagines, cannot be obtained until we know whether the sacrifice of the commercial intercourse that subsists between this country and Portugal is or is not to be the consequence of the bargain.

Now, if I shall be able to prove, as I confidently trust I shall, that the merits of the treaty with France are entirely independent of our commercial connection with Portugal; if

I shall be able to prove, that whether Portugal shall renew or renounce the stipulations of the Methuen treaty, an established commerce with France will in either case be advantageous to Britain, then it will follow, upon his own ground, that his motion is founded upon no necessity, that it has no political advantage in view, and that being made pending a negotiation with Portugal, it ought, by the established customs of the House, to be instantly rejected. Before I proceed to state any reasons for thinking that the propriety of the commercial treaty with France is independent of the measures that Portugal may think proper to pursue, it will be necessary to advert to the nature of the French treaty. That treaty the right honourable gentleman has considered as being equally new to the commercial principles, and to the experience of the kingdom, and imagines that the first question that will arise is, shall the established maxims by which this country has risen to commercial greatness be made the sacrifice of a rash and inconsiderate experiment? Now the fact undoubtedly is, that a commerce with France, which he considers as so completely new, has existed for many years, and does exist at this very hour; I say not by compact or in law, but in practice and in fact. The first question therefore that arises is not, shall we establish a new and untried commerce with France, but shall the commerce which already exists between the two kingdoms give employment to the vessels of the smuggler, or to those of the fair and respectable merchant? Shall the trade be carried on inconveniently and circuitously, by the way of Austrian Flanders and of Dunkirk, or shall it be carried on, with every commercial advantage, directly to the ports of France? Shall the manufactures of this country be objects of confiscation or of protection to the French laws? Shall the burdens to which the trade is at this time subjected continue to exist as the price of insurance and as premiums to the smuggler, or shall they be paid as duties to government, and form an important part of the revenues of the state? Shall the productions of British industry find a market in Paris alone, from which, in consequence of the extent of the city, and of its not being a walled town, they cannot be excluded; or shall they find an authorised admission into every port of the French kingdom? Shall the market for British manufactures be the capital alone, or shall it be the whole country of France? Such being the questions that arise upon the late commercial treaty, let us next consider in what respects these questions can be affected by the conduct of the Court of Portugal. Portugal, it is evident, will either renew the stipulations of the Methuen treaty, or will decline the commerce with England which that treaty establishes: should she renew the conditions of the treaty,

then

then it will follow, that as Britain has reserved the right; and unquestionably possesses the means, of fulfilling the conditions of the compact, no possible injury can have arisen from the agreement lately established with France. That Britain does possess the means of discharging such engagements as the renewal of the Methuen treaty would impose, will be evident to every man who considers that France is not the natural rival of Portugal in her trading connection with this country. Perfectly well I know, that, by regulations and restraints, Britain might give to the wines of France a decided advantage in her markets; but equally sure I am, that, if things are left to their natural course, the wines of France and the wines of Portugal will equally find a sufficient market in the consumption of this country. Thus it appears, that if Portugal shall be willing to renew her ancient engagements with England, no possible injury can arise to her interest from our legalizing the trade with France: but were it even admitted that the trade with France essentially interferes with the commerce of Portugal; yet, even in that case, it is evident that the injury she sustains is not the consequence of the legality, but of the existence of the trade; for, if the trade between France and England actually exists, its receiving the sanction of the law, and being established by compact, can add but little to the grievance. Hence it necessarily follows, that if Portugal shall refuse to renew her commercial engagements with Britain, the late treaty with France, however it may be made the pretext, can never be considered as the reason of her conduct: for as Portugal can have received no injury, can have sustained no wrong, it necessarily follows that she can have no just reason to complain. Shall then the mere pretext of a foreign Court be considered by the Legislature of Britain as a reason for their departure from that line of conduct which their interest obviously prescribes? Shall Britain abandon her views, in consequence not of the rights, not of the equitable claims, not of the fair and reasonable requests of an ally, but in consequence of extravagant proposals, in consequence of unreasonable demands, in consequence of perverse and unfriendly requisitions? To such attempts to impose upon her reason, what ought to be her reply? Undoubtedly she will answer, that the best maxim for the conduct of a nation, the maxim which best suits her own dignity, and the friendship she owes to her allies, is that of justice to herself, and of justice to the rest of the world. But, like the right honourable gentleman, I have too much confidence in the common sense of mankind, too firm a reliance on their regard for their obvious interests, to suppose that Portugal can adopt such inverted maxims of policy as those upon which she must evi-

dently act, if she renounces her commercial connection with Britain. Is it possible that she can relinquish her trade to the only country that furnishes a market for her wines, and that is able to send her in return the various articles she wants? A country that supplies her with necessaries in exchange for articles of merely luxurious use. A country, whose manufactures, in defiance of restraint, have found a market in every part of the world, a country whose woollens have so decidedly the advantage over those of every other, that when the American agent, a few years since, was expressly ordered to purchase woollens in France for the use of the continental army, the performance of the condition was found so impossible, that he was under the necessity of having recourse to Holland for the English cloths with which the shops of that country are always full. But, if after all, it were possible to suppose that Portugal would subject her trade with this country to the severest restraints, and that for a time the diminution of our exports to that kingdom might follow, what better mode of balancing the evil could be found than that of fostering the growth and encouraging the increase of our trade in a different and much better direction. Upon that part of the right honourable gentleman's speech, in which he endeavoured to discuss the various interests that should regulate the negotiation between this country and Portugal, I shall not venture to indulge myself in any remarks; but if I could think myself at liberty to enlarge upon topics, which, pending a negotiation, ought not to be thus publicly examined, I should, in the first place, take notice of the singularity of the opinion he entertained; that the best possible means of concluding an advantageous treaty with Portugal, is to lower to the standard of the Methuen compact the duties upon the wines that are the growth of that country; an opinion that supposes that the best possible means of succeeding in a negotiation, is to relinquish at the outset that very object which the party with whom we negotiate is most anxious to obtain; as if he thought that all bargains should commence by the surrender on the part of one of the persons concerned, of that very advantage which the other person proposes to himself, as the very object and end of the agreement. But though I shall certainly decline an examination of the remaining part of the right honourable gentleman's speech, lest I should incur that very charge of imprudence which I think so justly imputable to him, yet I trust the arguments I have already urged are sufficient to show what in the outset I had undertaken to prove, that his motion is founded upon no public necessity, is supported by no public consideration, is applicable to no one beneficial use, but, on the contrary, may be perverted to the purposes of mischief;

mischief; and that under these circumstances an assent to his proposal would be as inconsistent with the obvious maxims of policy and prudence as with the established customs of the House.

Mr. Chancellor *Pitt* remarked, that the right honourable Baronet who had seconded the motion had manifested so much official and political knowledge, and was so well acquainted with the proceedings of Parliament on questions like the present, that he had anticipated him in his principal argument against the motion; and he should almost be satisfied barely to repeat what the right honourable Baronet had said, as a sufficient justification for him in giving his negative to the question before the House. The right honourable Baronet had, when in office himself, had so many opportunities of considering such sorts of subjects, and had probably been so often employed in arranging arguments to oppose applications of a similar tendency, that he was by no means surprised to see him so extremely expert at the use of those very arguments on the present occasion, though they supported a conclusion diametrically opposite to that which he was desirous of drawing from them. All that the right honourable Baronet had said relative to the danger and impropriety of publishing the different documents, might tend to lay open the state of a depending treaty; all that he had said of the constant usage of that House, to decline any interference with such subjects, were conclusive and substantial reasons to induce him to oppose to the utmost of his power, any attempt to bring forward an account of the communication between our Court and that of Lisbon, on subjects connected with any treaty now depending, or likely to be set on foot between the two countries. But the right honourable Baronet had made a most notable distinction, by which he hoped to reconcile the difficulties which his new arguments threw in his way; this was the distinction between a political and a commercial treaty. He had stated, that to a commercial treaty, which was to stipulate for some alteration of duties, it was necessary to obtain the consent of Parliament, whereas, to the conclusion of a treaty purely political, the Crown itself was of its own authority fully competent. From this consideration he had concluded, that although in the latter cases Parliament had no right to interfere, they having no power whatsoever to prevent the ratification of such treaties, yet, as in the latter case, the treaty was to undergo the judgement and consideration of Parliament, before it could be concluded. Parliament had, therefore, during the pendency of such treaty, a right to demand such information as it might think necessary, towards enabling them to judge upon its merits: or, in other words, the right honourable Baronet had argued, that, be-

Mr. Chancellor Pitt.

cause the consent of Parliament was absolutely necessary to the ratification of the treaty, and, that without such consent it could never be carried into execution, it was for that reason right and proper that Parliament should have access to all possible information while the treaty was yet in agitation; whereas there was nothing more clear, than that the power which Parliament enjoyed of revising and approving or rejecting the treaty, was a circumstance that rendered any superintendence on their part in the forming of the treaty absolutely unnecessary — and the examination of papers relative to the negotiation between the two Courts, which might ultimately terminate in a treaty, and the debating upon them, or coming to any resolutions concerning them, was evidently such an interference as amounted to the taking an active part in the formation of the treaty.

With respect to the right honourable gentleman who made the motion, he should look upon him as having met a full refutation, generally, as to the object of the motion itself, by the arguments of the right honourable Baronet, were it not that the ingenuity with which he had delivered his sentiments certainly entitled him to a particular answer. In no instance was this ingenuity so eminently conspicuous as in the colour which he had been able to give to those palpable fallacies and glaring contradictions, of which his speech had been wholly compounded. He should just enumerate a few of these extraordinary instances of the right honourable gentleman's logical talents, by which he was enabled to draw from the same set of premises two different and absolutely contradictory conclusions.

The right honourable gentleman had divided his argument into different heads; the first had related to the period which had been chosen for the conclusion of the several treaties. This the right honourable gentleman had considered in three ways; observing that there were three different periods, as referring to the French treaty, in which that of Portugal might have been concluded. The first, and that which he had stated to be in his opinion the best, was before any treaty whatever with France had been signed. Whether the right honourable gentleman was right in his idea, that this was the most proper period, was a question which could now only be considered as implying a censure or acquittal of Government, because the period was already passed—for the treaty had been signed. The period which the right honourable gentleman had stated as the next best, though still, he said, in some degree objectionable, was after the final conclusion of the treaty, and its ratification by Parliament: but between these two periods there was an intermediate period, which was, as the right honourable gentleman had represented, the most im-
proper

proper of all; the period between the signature of the treaty and its being finally carried into effect by act of Parliament. But to what end did the right honourable gentleman apply those observations? He had made use of them as a part of an argument, and which was to persuade the House to fix a period for the forming a treaty with Portugal, while the French treaty was in the very situation, which was of all others, in his own opinion, the most favourable to such a negotiation—and to bring the treaty with Portugal to a conclusion before they proceeded to confirm the present treaty with France, laying themselves thereby under a necessity of coming to the French discussion when the treaty with Portugal was in that state, which the right honourable gentleman had himself laboured to prove was not the state most favourable to the consideration of another treaty. That he would, out of two different periods, which remained for the consideration of the treaty with Portugal, chuse the worst; and for the conclusion of the French treaty he would chuse that which he had described, as only the second best. The second part of the right honourable gentleman's argument tended to shew, that we were going to conclude a treaty with France, by which our advantages were to be exactly defined and circumscribed by the terms of the treaty, and of course could receive no addition or improvement; whereas the advantages to be derived by France, might hereafter meet with a very considerable increase, by our declining to make use of the reserve provided for in the seventh article of the treaty, relating to our trade with Portugal; by which means France having a full equivalent for every advantage we might enjoy from the treaty, had over and above the chance of a farther advantage, for which we could demand no equivalent in our turn. To this he should answer, that in discussing the French treaty we were only to take into consideration the provisions actually contained in that treaty, and the advantages respectively provided by it in favour of each country. Any accidental benefits accruing to France hereafter by new arrangement, or by the occurrence of circumstances which did not already exist, were totally out of the question, in considering those regulations and stipulations that were actually to take place. The idea of stipulating for additional concessions on the part of France, in order to countervail such eventual benefits as might arise to that country from any future changes which we might make in our commercial intercourse with other nations, was perfectly incompatible with all systems of practical politics, and, if carried into effect, would render every sort and species of negotiation tedious, difficult, and complicated beyond measure; for he would take upon him to say, that should Great Britain at any time, prohibit the trade of any nation,
with

with which she always traded, such prohibition would unquestionably, to a certain degree, operate in favour of every other nation on earth with which we should continue to trade in the articles so prohibited. And were we to suspend every treaty of commerce, until we should be able to ascertain the possible effects of every fresh arrangement we might hereafter think proper to make with other countries, it would be impossible ever to hope for the conclusion of any treaty whatsoever. Besides, it was not to be supposed that we should adopt such measures as would throw any very considerable advantage into the scale of France, without a fresh stipulation for some adequate equivalent for ourselves. But he hoped there would be no occasion for any such new arrangement with France, as he relied upon the good faith, the ancient friendship, and the good sense of the Court of Portugal, that she would make satisfaction for those violations of the Methuen treaty, of which this country had so long and so justly complained. Those infractions were, as the right honourable gentleman had stated them, the alterations of the duties in the new book of rates, and her refusal to admit the woollen manufactures of Ireland on the English duties, which he looked upon the Court of Lisbon as bound to do by the Methuen treaty, and which surely the footing upon which they stood with this country, amply intitled our Government to expect as a concession, even though they were not entitled to demand it as a right. The right honourable gentleman had not the least occasion to feel himself so extremely uneasy under the apprehension that the conclusion of the French treaty would necessarily put an end to the Methuen treaty, for he would state to the House how that might be avoided—which was by coming to a resolution in the Committee, that the duty on French wines should be reduced to the present duty paid by Portugal wine, and that such reduction should take place on a certain specified day.—And then in the mean time coming to a vote for the proper reduction of the duty on Portugal wine, to take place on or before the same day.—Thus in no part of the right honourable gentleman's argument was he well founded, but had built the whole upon misstatement and obvious fallacies. He had blended the French and Portugal treaty, and taken it for granted that the one was naturally dependent upon the other, and under colour of this misapprehension, he had complained of the respective periods that had been adopted for considering and concluding upon them, and yet he had confounded and contradicted his argument, so as to make it support a conclusion with respect to the other. And, besides, as far as it applied to the date of the French negotiation, it went to overturn that sound maxim of policy, always to reserve in our own hands,

a resource,

a resource, in case of disagreement with those with whom we negotiate. In the present instance, we had acted by that maxim, inasmuch as before we had opened our negotiations for the remedy of our complaints against Portugal, we had shewn that Court, that we could do without her, by having formed such a connection with France, as would make it eligible for us to transfer to that country, should she reject them, those advantages which she at present enjoyed. The right honourable gentleman had farther attempted to mislead the House, by endeavouring to confound and implicate the advantages already secured to France by the treaty, with those that we might hereafter have it in our power to bestow upon her, by forbearing to put in force the reserve made in that treaty in favour of Portugal.

With respect to the difficulty which the right honourable gentleman had suggested concerning the Spanish wines, he for his own part, should answer that he was glad to have an opportunity of clearing up, which he could do from the terms of the treaty themselves. The right honourable gentleman had expressed his apprehension, that the treaty bound this country to the maintaining a duty on Spanish wine at all future times, adequate to that which France, under the provisions of the treaty, was to pay, notwithstanding the reduction of the duty on Portugal wines—but this was by no means the case, for if we should hereafter, in such an event think proper to reduce the duty on Spanish wine to the same proportion with the reduced duty on Portugal wine, as it now bore to the present duty, we were amply at liberty to do so.—To be completely convinced of this, gentlemen had only to consider the words of the treaty.—Those words, in the eleventh article of the treaty, by which generally all merchandises, mentioned in the sixth article, were to pay the same duties when imported from France, as they did when imported from the most favoured European nation, were accompanied with an express exception of the case reserved in the seventh article, and the case reserved in the seventh article was, the case of wines.

Mr. Fox answered, that the right honourable gentleman Mr. Fox. had thought proper to mention his having blended the Commercial treaty with France with the treaty of Portugal; as if the latter was considered as a measure dependent on the former, and necessarily consequent to it. This was far from having been the way in which he had used the word blended, though he recollected that he had made use of the word in the course of his speech; but so far was he from thinking that the treaty of Portugal ought to be considered as necessarily consequent to the treaty with France, that he had maintained the converse of the proposition every time he had would have been the wisest conduct in Ministers, had they said

said any thing upon the subject; and sure he was, that it acted upon a similar idea. With regard to what the right honourable gentleman had said, of Government's having a right to expect that the Court of Lisbon would listen to the just demands and complaints of our merchants, undoubtedly Government was right in that respect, and Portugal would shew herself weak and thoughtless indeed, if she refused to listen to so reasonable a requisition, and to do that justice to Great Britain that she was so undeniably entitled to expect. He believed, he doubted, and he feared, that, if we were to break with Portugal, we should feel it a very inconvenient circumstance, in time of a war with the House of Bourbon, to have no power all along the coast of Europe, in amity with us; but, if he believed, doubted, and feared this, decidedly convinced he was, that Portugal would feel with infinitely more severity, the disadvantage of losing her connection with this country, which, of all others, was the properest for her to keep friends with, from whom she had ever since the year 1703, received so many essential services, and to whom she stood indebted for the rank she held in the consideration of other powers, to which her natural situation and circumstances gave her no sort of title. Mr. Fox said, that he seriously thought the argument he had used with regard to Spanish wines was right; and glad should he be, indeed, if the right honourable gentleman's construction put upon the eleventh article of the treaty, as it would be upon the reserve in favour of Portugal wines expressed in the seventh, (in the case he had stated,) was really admitted to be the true construction. If this country should at any time hereafter lower the duties on Spanish wines, as he and others understood the eleventh, fifth and seventh articles of the treaty, France would have a right to claim a still greater reduction of the duties on the importation of her wines into Great Britain. Certainly those who made the treaty knew their own meaning, and were the Court of France and the right honourable gentleman alike to construe the articles of the treaty, he should sincerely rejoice at the circumstance, and confess that his objections were overthrown.

Mr. Chancellor Pitt.

Mr. Chancellor Pitt begged leave to assure the right honourable gentleman, that the construction which he had given to those articles, was in effect the right construction, and that the contracting parties so understood it.

The question was put, and negatived, and immediately the House adjourned.

Monday, 12th February.

A motion having been made and passed for the House to proceed to the consideration of the lottery bill, which was brought

brought from the Lords, the amendments introduced by the latter were read, and as it appeared that they had altered the time, when it was meant that the effect of the clause should commence, which enacts, that the offenders against this bill shall be served with a *capias* instead of a summons to come before a justice of the peace,

The Speaker begged leave to remind the House, that in all bills relative to taxes or penalties, which was a species of a ^{The Speaker.} tax on the public, the exclusive right of the Commons was to make such laws without suffering the upper House to make any alterations in the mode or quantum. But as this amendment was only to transfer the time from the 10th of February to the 14th, and as this was merely an alteration of time and not of mode or quantity, he left the House to determine on the propriety of admitting the amendment.

Mr. *Fox* said, having acceded to the propriety of the observations from the chair, added that the bills of taxes, and indeed, all such as bore the least relation to the disposal of the public money, were to be formed by the exclusive power of the House of Commons. And as this was a bill relative to penalties, the Lords had certainly no right to amend any part of it respecting the mode or quantum. But admitting that this was only an alteration of the time when a certain clause in the said bill was to take effect, he did not think it should be passed without mature consideration. And as there was a business of so much importance for this day's debate, he conceived that the passing of the bill had better be deferred until the day following, and the rather because the Commons would lose sight not merely of their privileges, but of their essential duty were they to assent, except upon the ground of strict necessity, to amendments made in money bills by the House of Lords. Mr. Fox.

Mr. Chancellor *Pitt* remarked, that notwithstanding his sincere wishes that the rights of the House of Commons might constantly remain unviolated, and his fixed opinion that all points concerning money bills, and the disposal of the public treasure, ought to remain exclusively subject to their decision, he considered it as only common justice to allow, that it was equally the right of the Lords to dissent from the bill *in toto*, or in any of its parts, should it not receive their approbation. The amendments before the House were not such as affected the absolute disposal of the penalty, or the mode by which it was levied. It was only to alter the time of the taking effect of a clause which, in reality, was not a clause in the said bill, but only a regulation and enforcement of one in a former bill. And as the alteration of this time was that of making the date when the person should be liable to the penalties commence at the

14th instead of the 10th of February, he could not conceive it any infringement of the House's privileges in their grants of public monies. The alteration was beside absolutely necessary, for if it was fixed at the 10th, and this being the 12th when the bill had not been passed, persons would be liable to the penalties of the act, even previous to its being brought legally into existence.

Mr. Ald.
Newnham.

Mr. Alderman *Newnham* presented the following petition,
“ To the honourable the House of Commons in Parliament assembled.

“ The petition of the several manufacturers, whose names are hereunto subscribed, from their general Chamber of Manufacturers of Great Britain,

“ Humbly sheweth,

“ That your petitioners duly impressed with the serious and awful importance of the treaty of commerce, now pending with France, beg leave in all humility to represent,

“ That the said treaty, involving a vast complication of detail, affecting a variety of the greatest interests; and comprehending a prodigious change in the commercial system of this country, is an object of the most momentous consideration.

“ That your petitioners, after the most careful investigation, which such sources of information as they have been able to consult hitherto have afforded them, are not capable of forming any certain judgement of a treaty fraught with such magnitude, novelty, and variety of matter.

“ That your petitioners cannot but be seriously alarmed at hearing that this honourable House has determined to come to a decisive vote upon the said treaty this day.

“ That your petitioners remembering with gratitude, the favour and indulgence which they experienced from this honourable House on a former occasion, and the providential effects which were then universally allowed to have resulted from delay, humbly conceive, that they have at present still stronger reasons to request time for the purposes of inquiry and deliberation before this honourable House, shall come to any resolution which may be decisive upon this great measure.

“ And therefore your petitioners most humbly implore this honourable House to postpone the adoption of any such resolution—for the important reasons above stated, and for such time as to the wisdom of this honourable House shall seem meet.

Alderman *Newnham* now moved that it might lie on the table, and added, that when the Chancellor of the Exchequer

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D E B A T E S.

quer should move for the order of the day, he should beg leave to trouble the House with his motion for the postponement of the Committee, agreeable to the prayer of the petition.

Mr. Chancellor *Pitt* declared, that in his opinion the petition was not in any passage whatsoever, so pregnant with interesting matter as to come at all home to the conviction of the House, or occasion them to waver, for a single moment, in their determination to investigate the nature and the merits of the treaty. Why had this petition been deferred so long? The Chamber had enjoyed ample time for going fully into the discussion of the subject, and for procuring all the lights which they might require. Howsoever respectable the signatures to the petition might appear, he could not conceive that parliamentary proceedings ought to stop in their course, because certain individuals had not hitherto made up their minds concerning (what however, had been without doors) a long agitated subject. If the subscribing parties to the petition were unable, as it should seem, to form any decided opinion, during the space of four months, it became natural to ask what additional portion of time they could in reason desire, for the purpose of working up their sentiments to a conclusive point; but, even if the moment of their determination were almost at hand, the House might still go on with their discussion; in the progress of which it would be found whether the ideas of manufacturers, who, doubtless, merited every respectful attention, ought to operate against the full establishment of the treaty. Their representations must indeed, carry the most powerful weight, could they at all prove that it militated against the interests of the trading part of the community.

Mr. Chancellor Pitt.

Mr. *Fox* answered, that he felt it difficult to conceive how it was possible for any petition more unexceptionably to claim the serious, full and immediate discussion of the House than the present, signed as it was by so numerous and respectable a body of their mercantile fellow-subjects. They were men of the first importance, and what they required was at once temperate and just. They had heard an idea that the vote of this night was in some degree to conclude the discussion; now though this idea, thrown out very artfully, was a doctrine to which he could not subscribe, it was their duty to pay respect to the application of men so intelligent and so interested. A more respectable name than that of Mr. Walker did not exist—In addition to this eminent authority on the cotton branch, the petition was signed by several names of high credit in the glass branch, as well as others greatly affected by the treaty, and by names of not less celebrity in the woollen manufactory of Yorkshire. There

Mr. Fox

were in the circumstances of the petition, reasons which forcibly called on the House, and which they could not possibly overlook without strange and marked inattention to the declared wishes of the manufacturers. He needed not to point out the striking affinity between this and the first petition presented from the same body against the Irish propositions. Upon that occasion as at present, were found the particularly reputable names of a Walker in the cotton, a Holmes in the glass, and a Milner in the cotton manufactory. There, as in this instance, the Chamber prayed for time, and the consequence was salvation not only to the manufactures of this country, but to the commercial opulence of the empire. Such subscribing petitioners were to be considered as the deputies and representatives of manufacturing interests, and under that description, intitled to every attention which it was in the power of the House to shew them, at a period when they appeared alarmed for the fate of the commercial welfare of their country.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* observed, that it was needless to remind the right honourable gentleman, that at least four months had elapsed subsequently to the publication of the treaty; that therefore, if the Chamber had received an alarm, there was full time for information; but that on the contrary, they had been completely silent, or rather they had spoken only in applause of the negotiation until this day. It was impossible, therefore, that they could harbour the idea of postponing the discussion. The Chamber of Commerce would still have the opportunity of procuring the information they required, and of collecting the sense of the country; and surely, their doubts would come more properly into discussion in the Committee expected shortly to sit upon the consideration of the treaty.

Mr. Sheridan.

Mr. *Sheridan* observed, that a material difference must arise, could it, on the present occasion, be taken for granted that the manufacturers would have time for inquiry—and that this night's discussion was not to be concluded with resolutions committing the House in any degree to the acceptance of the treaty.—And for his own part he objected to the error which had gone abroad, that the House was to be involved by this night's vote. He contended, on the contrary, that the House would not be committed to the acceptance of the treaty until they had passed the last vote on the last bill, which was necessary to the carrying into execution the treaty. He begged at the same time to call the attention of the House to one material point, in which he believed this important subject had not as yet been considered. The Irish propositions had been mentioned. If this treaty should pass, would it not become absolutely necessary that those propositions,

sitions, reprobated and rejected as they were, must be revived, or at least that a system of intercourse of some kind, must be established between this and the sister kingdom; for it was totally impossible that the present system should continue if the treaty with France took place? He wished therefore to learn explicitly from the right honourable gentleman, whether, in case the treaty of France was carried into effect, it was his intention to revive the Irish propositions? There was one other matter which he must mention. The right honourable gentleman contended that the treaty had been between four and five months before the public. He denied this fact. It had been but fourteen days—for until the convention appeared the treaty could not be said to be before them; in so far as that convention so materially affected several of the most leading features of the treaty, and that the whole could only be construed by a comparison of them both.

To the manufacturers it was, unbecomingly insinuated, that some parts of the treaty to which they objected, should be amended in the convention. This lulled them into silence, and now that the convention was come, not any correction of the errors complained of could be found in it. The House were doubtless, in the recollection of a garbled meeting of manufacturers, artfully convened on the 9th of December, and consisting only of three persons, whose partial resolutions had been industriously circulated throughout the kingdom. This meeting had but five letters sent to them, and three of the five disapproved of the treaty.

No immediate answer being given, the Speaker put the question for leaving the chair, which was carried.

The House then pursuant to the order of the day, resolved itself into a committee, to consider of as much of His Majesty's Speech as related to the treaty of commerce with France,

And Mr. *Beaufoy* having taken the chair,

Mr. Chancellor *Pitt* observed, that he trusted that when the House considered the magnitude of the subject, they would not only forgive him for trespassing upon their patience with an extended investigation, but encourage him in his attempts to throw all necessary lights upon its nature, and its possible effects. Convinced that he could not enter into details without employing much time, he should on this account, avoid needlessly prolonging the hours of debate, by the introduction of any extraneous matter whatsoever. If the treaty should be found to comprehend principles hostile to the received notions and doctrines of British commerce—and that thereby a general spirit of objection and discontent had spread abroad over the country, he was assured that it would little avail him to stand up in that Committee,

Mr. Chancellor Pitt.

mittee, and argue for the acceptance of a negotiation, which was generally offensive. The Committee would not be seduced, by any thing which he might be able to advance, from the exercise of their clear and independent judgements; and certainly they would not be bound in any degree to the confirmation of this treaty, unless after the most deliberate and solemn discussion, they should perceive it supported by the most rational principles, and by the most incontrovertible policy; and so finding it, declare their sense of it by adopting the means necessary for carrying it into effect.

On this occasion, he should not hesitate again, earnestly to contend that the treaty in its commercial aspect had been between four and five months before the Public, and it was on that ground that he had confidence in going into the Committee, and commencing its discussion. For if, after remaining between four and five months in the hands of every manufacturer and merchant in the kingdom, after being freely discussed in various publications, it should turn out that no one complaint had been heard; that no great manufacturing body of men had taken the alarm; and that nothing had happened whatever to prevent the discussion, save the petition presented upon that day, praying for time from a few manufacturers collected in a certain Chamber of Commerce, he should certainly think himself justified in calling the attention of the Committee to the discussion. If even that very Chamber who thus presented the petition, did not at the same time state any reasons against the treaty, but leaned itself simply on the vague and unsatisfactory ground, that after four or five months they had not had time, he was sensible that gentlemen would not think it a substantial ground for delay, after the expiration of such a period of time, it appeared that all upon which they had determined was to entertain doubts, and of course, avoid bringing forward an opinion upon the subject. But another transaction had been mentioned and coupled with this, he must say, in a very singular manner—he meant the Irish propositions. Did the honourable gentleman (Mr. Sheridan) mean to insinuate that there was any analogy between this treaty and those propositions? Surely he did not intend to conclude from that experience, that the manufacturers were a body of men slow to apprehend their own danger, or to communicate their apprehensions to Parliament; or did the honourable gentleman wish to keep the resemblance in another way? Those propositions, after being canvassed, discussed, and debated, were at length on the most solemn deliberation, and he thought with the most perfect wisdom, approved by the Parliament of Great Britain, as a set of resolutions salutary and political for the basis of an intercourse.

course. But those propositions, so evidently opposed by the manufacturers here, had in the end been rejected by another kingdom as injurious and inimical to her interests. Was this the part of the precedent which the honourable gentleman meant to select? But in truth there was nothing similar. The manufacturers who were in general not a little watchful of their interests, and he rejoiced that they were vigilant, had taken no alarm. The woollen trade, so properly dear to this country, had manifested no species of apprehension. The manufacturers of cambrics, of glass, the distillery, and other members and branches of our domestic trade, though in fact, particularly affected by the treaty, had made no complaint, much less had they received any notices from the manufacturers, from the hardware, the pottery, and other branches, of any objection. If after four or five months, nothing like an objection had been heard; and if at the same time gentlemen were sensible, that in many parts of the country, many descriptions of men were now eagerly looking forward for the completion of the business, forming exclusive speculations on the foot of it, and all waiting in readiness and anxiety to avail themselves of the benefits, and with themselves greatly to benefit their country; he begged of gentlemen not to think that they rashly entered into the consideration of the subject. Under these circumstances, therefore, he felt himself justified in declaring that a reference to the case of the Irish propositions, made more for his arguments and against his opponents than was perhaps suspected. While the propositions were agitating, and they were not surely more injurious than gentlemen would represent this treaty to be, the manufacturers of the kingdom came forward to Parliament, and at a time when they experienced every attention and indulgence from the House, exhibited themselves the most incontrovertible, and indeed, laudable proof, that while they fancied themselves endangered, or saw their interests at stake, they possessed the most unremitting vigilance in watching over their concerns, and at least a sufficient degree of firmness in maintaining their objections. There was not a body which thought itself concerned but instantly took alarm, and joined in the general remonstrances. Was it not fair then to conclude, that if any such apprehensions at present existed, instead of supineness and negligence, they would apply to Parliament again with redoubled earnestness; but so far were the Public from entertaining any dislike, or even doubts concerning the merits of this treaty, that from the very best information, he could assert, in the presence of many of the members from great commercial towns, that in most parts

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of the country they looked with sanguine wishes for the speedy ratification of it. Great and various were the objects of this treaty, but the resolutions which he should have the honour to propose that evening, would lie in a narrow compass, and be easily embraced. It was not his intention to draw the Committee to any general resolution which should involve the measures necessary to be taken in future, nor need gentlemen be alarmed by the groundless idea of being committed by one question to all the important details necessary to the full establishment of the system. Several observations had been made respecting the navigation laws and maritime regulations, upon which, as they did not come within the scope of his motion to the Committee, and more properly belonged to the prerogative and the executive government, he would forbear offering any remarks. He meant only to submit to them certain leading resolutions tending merely to the commercial establishment, and they were founded on the 6th and 11th articles of the treaty. The result of the resolutions was precisely this :

1. That the Committee should agree, that all articles not enumerated and specified in the Tariff should be importable into this country, on terms as favourable as those of the most countenanced nation, excepting always the power of preferring Portugal under the provisions of the Methuen treaty.

2. That if any future treaty should be made with any other foreign power, in any articles either mentioned or not mentioned in the present treaty, France shall be put on the same, or on as favourable terms as that power. And

3. That all the articles enumerated and specified in the Tariff shall be admitted into this country on the duties, and with the stipulations stated in the sixth article.

He thus confined himself to the commercial part of the treaty, nor was even all which belonged to that part comprehended in the scope of these resolutions. It would be necessary for the Committee to take into their consideration the relative state of the two kingdoms. On the first blush of the matter he believed he might venture to assert it was a fact generally admitted, that France had the advantage in the gift of soil and climate, and in the amount of her natural produce. That, on the contrary, Great Britain was, on her part, as confessedly superior in her manufactures and artificial productions. Undoubtedly, in point of natural produce, France had greatly the advantage in this treaty. Her wines, brandies, oils, and vinegars, particularly the two former articles, were matters of such important value in her produce, as greatly and completely to destroy all idea of reciprocity as to natural produce—we perhaps having nothing

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of that kind to put in competition, but simply the article of beer. But on the contrary, was it not a fact as demonstrably clear, that Britain, in its turn, possessed some manufactures exclusively her own, and that in others she had so completely the advantage of her neighbour, as to put competition to defiance. This then was the relative condition, and this the precise ground on which it was imagined that a valuable correspondence and connection between the two might be established. Having each its own and distinct staple—Having each that which the other wanted; and not clashing in the great and leading lines of their respective riches, they were like two great traders in different branches, they might enter into a traffic which would prove mutually beneficial to them. Granting that a large quantity of their natural produce would be brought into this country, would any man say, that we should not send more cottons by the direct course now settled, than by the circuitous passages formerly used—more of our woollens than while restricted in their importation to particular ports, and burdened under heavy duties? Would not more of our earthen ware, and other articles, which, under all the disadvantages that they formerly suffered, still, from their intrinsic superiority, force their way regularly into France, now be sent thither; and would not the aggregate of our manufactures be greatly and eminently benefited in going to this market loaded only with duties from twelve to ten, and in one instance with only five per cent.? If the advantages in this respect were not so palpable and apparent as to strike and satisfy every mind interested in the business, would not the House have had very different petitions on their table than that presented this day? The fact was apparent. The article (saddlery) charged the most highly in the Tariff, gave no sort of alarm. The traders in this article, though charged with a duty of fifteen per cent. knew their superiority so well, that they cheerfully embraced the condition, and conceived that the liberty would be highly advantageous to them. A market of so many millions of people—a market so near and prompt—a market of expeditious and certain return—of necessary and extensive consumption, thus added to the manufactures and commerce of Britain; was an object which we ought to look up to with eager and satisfied ambition. To procure this, we certainly ought not to scruple to give liberal conditions. We ought not to hesitate, because this which must be so greatly advantageous to us must also have its benefit for them. It was a great boon procured on easy terms, and as such we ought to view it. It was not merely a consoling but an exhilarating speculation to the mind of an Englishman, that after the empire had been engaged in a competition the most arduous and imminent of

any that ever threatened a nation—after struggling for its existence, that still it maintained its rank and efficacy so firmly, that France, finding they could not shake her, now opened its arms, and offered a beneficial connection with her on easy, liberal, and advantageous terms.

We had agreed by this treaty to take from France, on small duties, the luxuries of her soil, which however the refinements of ourselves had converted into necessities. The wines of France were already so much in the possession of our markets, that with all the high duties paid by us, they found their way to our tables. Was it then a serious injury to admit these luxuries on easier terms? The admission of them would not supplant the wines of Portugal, nor of Spain, but would supplant only an useless and pernicious manufacture in this country. He stated the enormous increase of the import of French wines lately, and instanced the months of July and August, the two most unlikely months of the year, to shew the increase of this trade. The Committee would not then perceive any great evil in admitting this article on easy terms. The next was brandy, and here it would be inquired whether the diminution of duty was an eligible measure. He believed they would also agree with him on this article, when they viewed it with regard to smuggling. The reduction of the duties would have a material effect on the contraband in this article; it was certain that the legal importation bore no proportion to the quantity clandestinely imported—for the legal importation of brandy was no more than 600,000 gallons, and the supposed amount of the smuggled, at the most rational and best-founded estimate, was between three and four hundred thousand gallons. Seeing then that this article had taken such complete possession of the taste of the nation, it might be right to procure to the state a greater advantage from the article than heretofore, and to crush the contraband by legalizing the market.

The oil and vinegar of France were comparatively small objects, but, like the former, they were luxuries which had taken the shape of necessities, and which we could suffer nothing from accepting on easy terms. These were the natural produce of France to be admitted under this treaty. Their next inquiry should be to see if France had any manufactures peculiar to herself, or in which she so greatly excelled as to give us alarm on account of the treaty, viewing it in that aspect. Cambrie was the first which stared him in the face, but which, when he looked around him, and observed the general countenance of the Committee, he could hardly think it necessary to detain them a moment upon. The fact was, it was an article in which our competition with France

France had ceased, and there was no injury in granting an easy importation to that which we would have at any rate. In no other article was there any thing very formidable in the rivalry of France. Glass would not be imported to any amount. In particular kinds of lace, indeed, they might have the advantage, but none which they would not enjoy independent of the treaty; and the clamours about millinery were vague and unmeaning, when, in addition to all these benefits, we included the richness of the country with which we were to trade; its superior population of twenty millions to eight, and of course a proportionate consumption, together with its vicinity to us, and the advantages of quick and regular returns, who could hesitate for a moment to applaud the system, and look forward with ardour and impatience to its speedy ratification? The possession of so extensive and safe a market must improve our commerce, while the duties transferred from the hands of smugglers to their proper channel, would benefit our revenue—the two sources of British opulence and British power.

Viewing the relative circumstances of the two countries then in this way, he saw no objection to the principle of the exchange of their respective commodities. He saw no objection to this, because he perceived and felt that our superiority in the tariff was manifest. The excellence of our manufactures was unrivalled, and in the operation must give the balance to England. But it was said, that the manufacturers dreaded the continuance of this superiority. They were alarmed at the idea of a competition with Ireland, and consequently they must be more under apprehensions at the idea of a rivalry with France. He always did think, and he must still continue to think, that the opinions of the manufacturers on this point were erroneous. They raised the clamour in respect to Ireland chiefly, he imagined, because they perceived no certain and positive advantage by the intercourse to counterbalance this precarious and uncertain evil. In this instance, their consent to the treaty did not proceed from a blind acquiescence, for they never would be blind to their interest; but now that they saw so certain and so valuable an advantage to be reaped, the benefits being no longer doubtful, they were willing to hazard the probability of the injury. Again, he must say, that when gentlemen coupled this with the Irish Propositions, they talked without reflection. He wished them to be coupled; for did gentlemen recollect, that in that negociation it was the other party who found the system disadvantageous.

Some gentlemen thought proper to contend, that no beneficial treaty could be formed between this country and France, because no such treaty had ever been formed, and

because, on the contrary, commercial intercourses with her had always been injurious to England. This reasoning was completely fallacious, though it sounded largely. For in the first place, we had, during a very long series of years, experienced a commercial connection with France, and could not therefore form any rational estimate of its merits; and, secondly, though it might be true that a commercial intercourse founded on the treaty of Utrecht would have been injurious, it did not follow that this would prove the same; for at that time the manufactures, in which we now excelled, had hardly existence, but were on the side of France instead of being against her. The tariff did not then, as now, comprehend all the articles in which we comparatively excelled, but in addition to the produce of France, which at all periods must be the same, she had the balance of manufactures also in her favour. At that period also the prejudices of our manufacturers against France were in their rage, and corresponded with the party violence of the day in the reprobation of the measure; but so far was the Parliament from entertaining the opinion of no treaty being otherwise than detrimental, which could be made with France, that they went up with an address to Her Majesty, praying Her to renew commercial negotiations with the Court of France. It was not correctly stated neither that we had invariably considered it as our policy to resist all connection with France. She had been more jealous of us than we of her—Prohibitions began on the part of France, and we only retaliated in our own defence. These parts of his subject, he felt it difficult to drop, without again adverting to the effect of this treaty on our revenue, which would almost exceed credibility, though it would cause an average reduction of 50l. per cent. in every article in our book of rates; on French wines the reduction would be 10,000l. per annum; on Portugal wines, 170,000l. should the Methuen treaty be continued; and, on brandy, a reduction of 20,000l. The surrender of revenue for great commercial purposes was a policy by no means unknown in the history of Great Britain, but here we enjoyed the extraordinary advantage of having them returned to us in a three-fold rate, by extending and legalizing the importation of the articles. When it was considered that the increase must exceed the concession which we made, it would no longer be an argument that we cannot afford this reduction. Increase by means of reduction, he was obliged to confess, appeared once a paradox, but experience had now convinced us that it was more than practicable.

The simple question for the Committee to consider, was, Whether, if the situation of the two countries was changed
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in its relative aspect; if it was true, that at the treaty of Utrecht we had but little to send to France, and that we had now much to send them; that our manufactures were so confessedly superior as to dread no competition, and greatly to counterbalance the natural produce of France—we ought not to enter into the treaty; or whether there was not some preposterous and inscrutable, as well as fixed and eternal something between the two countries which must prevent them from ever forming any connection, or cherishing any species of amity? Having decided on this point, the next business of the Committee was to see how far this treaty would affect their commercial treaties with other powers. This naturally led him to Portugal; and he must positively affirm, that there was nothing which prevented them from complying fully with the conditions of the Methuen treaty, if the British Legislature should find it right, by the conduct of Portugal, to maintain the full force of that treaty. By enlarging their market for wine, they neither infringed on the markets of Portugal nor of Spain. It was not pretended even that the treaty could affect their connection with any other powers.

Mr. Pitt contended, that it was not more necessary to view the effects of the treaty in its commercial operation, than as it might have an influence on the revenue. There would undoubtedly be a very considerable reduction of duties. It was a question, however, whether this reduction would be attended with a proportionate loss to the revenue. On the subject of wines, it was certain that this reduction would not so operate; for if the Methuen treaty was to be preserved, and he certainly thought that nothing but the conduct of Portugal could make us harbour the idea of putting an end to it, there must be a defalcation from the subsisting duties on wine to the amount of 160 or 170,000*l.* a year. On brandy there must also be a loss, though a very small one, considering the probable increase of the legal importation—but there might be a diminution of the revenue to the amount of 20,000*l.* Taking this evil at the worst, a surrender of revenue for great commercial purposes was not contradictory to sound policy, nor to established practice. It was happy for the nation that this defalcation would make no difference, because it did not interfere with the plan of applying the surplus of the revenue to the payment of the debt.

Previous to an examination of the treaty in its political aspect, he begged leave to trespass upon the patience of the House, whilst he adverted to the report made to the General Chamber of Manufacturers; a report, which would now form a part of his speech; but, however, he should be sorry
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and ashamed were the Committee to mistake it as being actually a part of his speech. The House would, therefore, please to recollect, that this Chamber of Manufacturers had asked, "What laws must be repealed to make room for the "French treaty?" They needed not to suspend their opinions simply on this ground; they might have left the task of discovering these laws to Parliament, unless they meant to take from them the trouble of legislation. The enumeration which they had made was singular. They had found out that the aliens duty must be repealed. In confirmation of this, they had thought proper to observe, that besides the laws restraining exportation, there are many others which, in favour of our own manufactures, prohibit the exportation of foreign goods, as the 4th Ed. 4th, chap. 1. by which no cloths wrought beyond sea, shall be brought into England, and set to sale. That the 3d Edw. 4th, chap. 3d and 4th. The 1st of Rich. 3d, chap. 12. The 7th Eliz. chap. 7. The 13th and 14th Charles 2d, chap. 13, contains a variety of prohibitions on the importation of a great number of articles in the woollen, iron, copper, and glass manufactures. Every one of which laws must necessarily be repealed. And that it has also been proved by a law, 1st of Rich. 3d. chap. 9th and 32d Hen. 8th. chap. 15. "That no alien shall sell "by *retail*, nor take any lease of a house or shop to trade "in," which must by this treaty also be repealed, as the permission to sell by *retail* is not (as was in the treaty of Utrecht) excepted. And they add, that it may be proper to remark, that any relaxation of the laws, to prevent the clandestine landing of goods, will have a worse effect upon our manufacturers, than even a direct importation upon certain duties; and that by the free approach allowed to French vessels upon the coast; and the time given by the treaty to make entries, and to correct them when made, an alteration of the custom-house laws, (made as well for the protection of fair trade, as the collection of the revenue) must take place, from which they apprehend great mischiefs may ensue.

Mr. Pitt here remarked, that he believed that a well-founded opinion prevailed in the learned profession, that the statutes of Richard III. and Henry VIII. imposing that odious duty, were in fact no longer in existence. If this were not so, he was sure at least that the gentlemen on the other side of the House, whose liberal principles he would always acknowledge, would not become advocates for the continuance of these odious penal statutes. In this enumeration also they talked of a vast number of articles which would be clandestinely imported and exported—of the encouragement to smuggling by the re-approach to our shores
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—although the re-approach was pointedly confined to ships driven by stress of weather, and the danger of alteration of entries—and that by taking off the old prohibitions, their wool, their fullers earth, nay, their tools, utensils, and secrets, would be transmitted to the rival. He professed he could not devine the part of the treaty where this Committee of Manufacturers had discovered these dangers—He conceived that they were empowered to preserve all the prohibitions which they might think it wise to continue. He knew not of any possibility of sending the wool, the fullers earth, or the tools of the manufacturers out of the kingdom. He went through the whole report of the Committee, commenting on each passage, and opposing the ideas of the whole. That a set of manufacturers should neglect to consider the application of the treaty to themselves, while they wandered into the paths of legislation and government, did not look like that apprehension for their real interests which their terrors betrayed at the time of the Irish propositions. They indeed expressed their fears, should the tools and manufacturers of this country be imported to France; but upon that subject they may be quite at their ease; for there was not a word in the treaty to favour such a construction.

Considering the treaty in its political view, he should not hesitate to contend against the too-frequently-advanced doctrine, that France was, and must be, the unalterable enemy of Britain. His mind revolted from this position as monstrous and impossible. To suppose that any nation could be unalterably the enemy of another, was weak and childish. It had neither its foundation in the experience of nations nor in the history of man. It was a libel on the constitution of political societies, and supposed the existence of diabolical malice in the original frame of man. But these absurd tenets were taken up and propagated; nay, it was carried farther; it was said, that by this treaty the British nation was about blindly to throw itself into the arms of this constant and uniform foe. Men reasoned as if this treaty was not only to extinguish all jealousy from our bosoms, but also completely to annihilate our means of defence; as if by the treaty we gave up so much of our army, so much of our marine; as if our commerce was to be abridged, our navigation to be lessened, our colonies to be cut off or to be rendered defenceless, and as if all the functions of the state were to be sunk in apathy. What ground was there for this train of reasoning? Did the treaty suppose that the interval of peace between the two countries would be so totally unemployed by us as to disable us from meeting France in the moment of war with our accustomed strength? Did it not much rather, by opening new sources of wealth, speak this forcible

forcible language; that the interval of peace, as it would enrich the nation, would also prove the means of enabling her to combat her enemy with more effect when the day of hostility should come. It did more than this; by promoting habits of friendly intercourse, and of mutual benefit, while it invigorated the resources of Britain, it made it less likely that she should have occasion to call forth those resources. It certainly had at least the happy tendency to make the two nations enter into more intimate communion with one another, to enter into the same views even of taste and manners; and while they were mutually benefited by the connection, and endeared to one another by the result of the common benefits, it gave a better chance for the preservation of harmony between them, while so far from weakening, it strengthened their sinews for war. That we should not be taken unprepared for war was a matter totally distinct from treaty. It depended in no degree on that circumstance, but simply and totally on the watchfulness and ability of the Administration for the time being. He had heard of the invariable character of the French nation, and of the French Cabinet; her restless ambition, and her incessant enmity and designs against Britain; and he noticed the particular instance of her interference in our late disputes, and of the result of her attack at that time. That France had, in that instant of our distress, interfered to crush us, was a truth over which he did not desire to throw even the slightest veil. Having premised that the provisions of the treaty would neither delude us into security, nor accomplish our reduction; that, on the contrary, it would strengthen our hands, and whilst it did not diminish our means, would throw the prospect, and the necessity of war, at a very great distance, friendly assurances, he added, were not always to be relied on; but, though he thought France the aggressor in most of our former wars, her assurances and frankness, during the present negotiation, were such as, in his opinion, might rather be relied upon. What may be the projects which wild ambition might one day dictate, was beyond his penetration, but at present the Court of France was governed by maxims too prudent and political, not to consult its own safety and happiness beyond the ministerial aims of impracticable conquest. Oppressed as this nation was during the last war, by the most formidable combination for its destruction, yet had France very little to boast at the end of the contest, which should induce them again to enter deliberately into hostilities against this country. In spite of our misfortunes, our resistance must be admired, and in our defeats we gave proofs

of

of our greatness and almost-inexhaustible resources; which, perhaps, success would never shew us—

Duris ut ilex tonsa bipennibus,
Nigræ feraci frondis in algido;
Per damna, per cœdes, ab ipso
Ducit opes animumque ferro.

Indeed, whilst he recollected the whole of that dreadful controversy, he could deduce arguments from it to reconcile the present conduct of France with more equitable and more candid principles of policy than gentlemen seemed willing to attribute to our rival. When France perceived that, in that dreadful contest, when the enormous combination of power was against us, it might be truly said that we were struggling for our existence, we not only saved our honour, but manifested the solid, and, he might also be tempted to say, the inexhaustible resources of the land; reflecting that though she had gained her object in dismembering our empire, she had done it at an expence which had sunk herself in extreme embarrassment; and reflecting also, that such a combination

of hostile power against us, without a single friend in Europe on our side, can never be imagined again to exist; may I not (exclaimed Mr. Pitt) be led to cherish the idea, that seeing the durable and steady character of our strength, and the inefficacy as well as the ruin of hostility, France would eagerly wish to try the benefits of an amicable connection with us? It was a singular line of argument which he had heard, and which he saw was also propagated out of doors, that the treaty would prove objectionable, if it should be found that though advantageous to ourselves it would be equally so to them. It was ridiculous to imagine that the French would consent to yield advantages without an idea of return; and the treaty would be of benefit to them; but he did not hesitate to pronounce his firm opinion, even in the eyes of France, and pending the business, that though advantageous to her, it would be more so to us. The proof of this assertion was short and indubitable. She gained for her wines and other produce a great and opulent market; we did the same, and to a much greater degree. She procured a market of eight millions of people, we a market of twenty-four millions—France gained this market for her produce, which employed in preparation but few hands, gave little encouragement to its navigation, and produced but little to the state. We gained this market for our manufactures, which employed many hundreds of thousands, and which, in collecting the materials from every corner of the world, advanced our maritime strength, and which, in all its combinations, and in every article and stage of its progress, con-

tributed largely to the state. France could not gain the accession of 100,000*l.* to her revenue by the treaty; but England must necessarily gain a million. This would as easily be demonstrated—The high price of labour in England arose chiefly from the excise, and three-fifths of the price of labour were said to come into the Exchequer. The produce of France, on the contrary, was low in the staple, and less productive to the state in the process. Even the reduced duties were so proportionably high, that France could not send to us 500,000*l.* of brandies but we must gain cent. per cent. by the article. In this view then, though France might gain, we must be, comparatively, so much more benefited, that we ought not to scruple to give her the advantages: and surely ought not to fear that this very disproportionate gain could be injurious to us in case of a future contest. It was in the nature and essence of an agreement between a manufacturing country and a country blessed with peculiar productions, that the advantages must terminate in favour of the former; but it was particularly disposed and fitted for both the connections. Thus France was, by the peculiar dispensation of Providence, gifted, perhaps, more than any other country upon earth, with what made life desirable, in point of soil, climate, and natural productions. It had the most fertile vineyards and the richest harvests; the greatest luxuries of man were produced in it with little cost and with moderate labour. Britain was not thus blest by nature; but, on the contrary, it possessed, through the happy freedom of its constitution, and the equal security of its laws, an energy in its enterprise, and a stability in its exertions, which had gradually raised it to a state of commercial grandeur; and not being so bountifully gifted by Heaven, it had resource to labour and art, by which it had acquired the ability of supplying its neighbour with all the necessary embellishments of life in exchange for her natural luxuries. Thus standing with regard to each other, a friendly connection seemed to be pointed out between them, instead of the state of unalterable enmity, which was safely said to be their true political feeling towards one another.

In conclusion, Mr. Pitt remarked that with respect to political relation, this treaty at least if it afforded us no benefits, brought us no disadvantages. It quieted no well-founded jealousy; it slackened no necessary exertion; it retarded no provident supply, but simply tended, while it increased our ability for war, to postpone the period of its approach. But on this day he had only to draw their attention to objects merely commercial, and he must again say, that he by no means wished to bind them by any resolution this night to any general approbation of the measure. He should

fit down after voting his first resolution; yet he begged to be understood that he meant to move the others which he had mentioned.

Mr. Pitt now moved, " That in case either of the two high contracting parties shall think proper to establish prohibitions, or to augment the import duties upon any goods or merchandise of the growth or manufacture of the other, which are not specified in the tariff, such prohibitions or augmentations shall be general, and shall comprehend the like goods and merchandises of the other most-favoured European nations, as well as those of either state: and in case either of the two contracting parties shall revoke the prohibitions, or diminish the duties, in favour of any other European nation, upon any goods or merchandise of its growth or manufacture, whether on importation or exportation, such revocations or diminutions shall be extended to the subjects of the other party, on condition that the latter shall grant to the subjects of the former the importation and exportation of the like goods and merchandises under the same duties; the cases reserved in the seventh article of the present treaty always excepted. That all articles of manufacture and commerce, not enumerated in the tariff, be admitted from France, on paying the same duties as the same articles pay on importation from the most favoured nation."

Mr. Fox remarked, that he felt himself impelled to rise, *Mr. Fox.* by a consciousness that it was now become indispensably his duty not to fail embracing the earliest opportunity of delivering his opinions concerning a point, of which the present aspect seemed certainly of all others the most detrimental to the policy, the revenue, and the commerce of this island. So impressed was he with this idea, that he should not hesitate to open his sentiments, with a declaration that no former Minister had ever laboured to introduce a measure more beneficial to the country than that which was the present object of parliamentary investigation. With regard to what the right honourable gentleman had observed respecting its political tendency to cement in bonds of peace and commerce the friendship of both countries, and that he conceived it not impossible, by these means, to destroy that enmity which had subsisted between the two nations, he must beg leave entirely to dissent. France was the inveterate and unalterable political enemy of Great Britain. No ties of affection or mutual interest could possibly eradicate what was so deeply rooted in her constitution. What could demonstrate it more than the invariable system of her policy towards this island? Was not her whole conduct towards this country an unwearied and systematic series of measures, either distin-

guished for their sinister intrigue or declared hostility? He did not mean to say this enmity arose from any vindictive principles; it was not that she adopted her measures for our annihilation in remembrance of Cressy or Agincourt; no, her policy of diminishing our power and prosperity arises from her own inordinate ambition of universal monarchy; and thus are we her natural enemies. It is from us she fears the diminution of her powers to obtain this desirable object of her inordinate ambition. From us alone do the other powers of Europe hope for protection, to maintain that balance of power which can preserve their respective liberties from her encroachments. We are therefore not her foe from enmity or ambition; we are only her enemy in her attempts to destroy that system of policy on which the other states of Europe must depend for their liberties as well as their existence. When she attempts encroachments on the barriers of European liberty, it is then Great Britain is her enemy, and no longer; and while this is the object of her ambition, so we shall ever remain; and when had we not reason to look upon France with this jealousy and circumspection? View the tenor of all our history. While she practised these political intrigues of ambition, we were always the only power able and ready to check, punish, and counteract her designs. From the period of Henry the VIth to Charles II. he acknowledged that we did not feel this jealousy towards France. She was not during this time in a capacity to alarm any of the other powers of Europe with her ambitious encroachments. We had therefore no cause for the continuance of our exertions against her machinations and encroaching hostilities. Such were the general principles on which Great Britain and France were naturally unalterable enemies. A variety of treaties would serve to prove that it was the principle of each of them not to admit her to a participation of our commercial advantages, except during the reigns of the two Stuarts.

The House were not ignorant that in the treaty of Utrecht in the year 1713, which was as much the censure of that day as it has been decried ever since, the Ministry, who had the entire affection, confidence, and reverence of the People and Parliament, did attempt to enter into a commercial connection with France. But such was the policy of the Whig party, that very successfully for this country, by their exertions and opposition, they subverted the plan which would otherwise have been adopted, and would then have ruined the prosperity of this country, and destroyed the liberties most probably of every other in Europe. For had our powers been diminished, we should not have possessed that strength which has ever been and must be their protection. This was
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similar to what had happened to the right honourable gentleman himself on a former occasion (the Irish propositions.) It was true, he admitted, according to what he (Mr. Pitt) had observed, this Parliament had not rejected them. But still they were rejected, and happily, he thought, for the interest of both countries. But in what manner was the question carried in that House in favour of the right honourable gentleman? Was it not from the confidence which they placed in the intentions of the Minister, although they distrusted the consequences of his measures? Did not several gentlemen of very respectable ability, character, and property, say, when they gave their vote in favour of the Irish propositions, that it was a subject of so complex and intricate a nature, that they could not think themselves completely competent to decide; but that they gave their vote on the most unreserved confidence of the right honourable gentleman's intentions. Such we should expect would have been the conduct of that day; for never were a Ministry higher in the trusts and estimation of the whole nation, as well as the Parliament. So great was their attachment to this Tory Administration, that even the man (the Duke of Marlborough) who had carried the character of the country to the highest exaltation of glorious conquest, was, in conformity to the sentiments of this Ministry, degraded and dishonoured. Is it not then an evidence incontrovertible of the idea which the nation had of the impolicy of entering into a commercial commerce with France, when they could thus reject a plan in its favour, proposed by a Minister, to whom they gave such an implicit confidence, and of whom they entertained such an exalted opinion? And what indeed was the conduct of both countries in succeeding treaties. Among these might be observed several particulars relative to the family compact between the Houses of Bourbon. By this compact an alliance had been formed, which seemed particularly a conjunction of power to diminish the growing vigour and prosperity of Great Britain. By that it was agreed, that no Englishman should have the same privilege in France or Spain as a Frenchman or Spaniard should have in them mutually. This was therefore evidently to diminish the advantages which Great Britain formerly enjoyed in those nations, and to aggrandize the emoluments of their subjects respectively. But this disadvantage we soon controlled; for, in the treaty of Paris, in the year 1763, we stipulated that an Englishman should be considered in France as a Spaniard, and in Spain as a Frenchman; and, in the treaty of 1783, this object was still continued. Thus in both treaties particular care had been taken to restore to this country the privileges which they enjoyed in France and Spain before the

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passing the family compact. But this 25th article of the compact was by the present treaty restored to its former vigour. In this treaty between the French Ministers and the commercial plenipotentiary (Mr. Eden) it was agreed that the 25th article of the family compact should be again restored. And as a compensation we had the reserve of lowering the duties of Portugal wines, in order to enable us to preserve the Methuen treaty. But this was a reservation that could be considered no grant of France. We had already this power; we had therefore restored to France and Spain a power of excluding us from the advantages they granted to each other for the enjoyment of a privilege which we already possessed. Mr. Fox, now adverting to the sentiments of Mr. Pitt in regard to the petition from the Chamber of Commerce, remarked, that the right honourable gentleman observed, that as a petition had been brought up to the House from some of the most respectable merchants not only in this country, but in Europe, which had not stated any precise objection to the treaty, that it was rather to be received as an approbation than a remonstrance against the treaty. He did not recollect that the parties had forbore giving their opinions on the subject until more official information was laid before them to empower them to decide. But were the modest sentiments of such gentlemen, whose names he must have heard read in the petition to be treated with this interpretation? Did he not read there the name of Mr. Walker, one of the greatest manufacturers in Europe in the cotton and fustian articles? Did he not read the name of Mills and Heywood, one of the greatest houses in the clothing trade in Leeds in Yorkshire? Surely when such men as these had signed a petition against any measure, their sentiments were to be regarded. And although they had not advanced any particular objections, from a desire to wait for complete information, yet their present petition, as against the operative principle of the bill, was certainly an object worthy the right honourable gentleman's attention. Much would it become the House seriously to contemplate the effect which this treaty might have on the revenues of the country. What were the advantages that Ministry could possibly expect from this treaty? With regard to the prevention of smuggling, he did not conceive how the arguments the right honourable gentleman (Mr. Pitt) had used would apply. He had said, with respect to the brandies, that what were formerly smuggled into this country would now come under the legal duty, and thus would the revenue receive all the advantages of which it was formerly defrauded. But how did this fact really stand? The duties on brandies made their importation to the merchant 7 s. 6 d.

per

per gallon. This was 400 per cent. Would the right honourable gentleman therefore pretend to say, that when the duties on brandies were four hundred per cent. in the first cost, that they would not be now smuggled in as great a proportion as they were formerly? They certainly would; for where there was such a temptation, there would smuggling always exist.—But, to prevent this smuggling of brandy, the right honourable gentleman had declared that he had a plan to propose to effectuate it entirely. What was this plan? Did he mean to reduce the duties to 100 l. per cent? Would he lower the duties to 3 s. 4 d. per gallon? And if he did, what assurance could he give that they would not then smuggle brandies into this country. But if he reduced the duties on brandies, the duties on rum must be reduced in proportion, otherwise the consumption of our colonial produce in the West Indies would be materially diminished. He was therefore assured that he could not, with any consistency of policy or expediency, lower the duties beneath their present standard. If he did, he would risk the diminution of the revenue in one instance, and the diminution of our West-India produce in the other. Therefore he could not conceive in what particular smuggling would be diminished with regard to the exportation of brandies, under the stipulations of the present treaty.

As to the commercial part of the treaty, the first object that most materially claimed his attention was the woollen manufactory. It had been argued, that we had opened to ourselves a market, containing twenty-four millions of people, while France had only obtained a market from us of eight millions. But with respect to the number of persons in a market, he did not estimate the advantages to be derived on such a scale of computation. The advantages were to be estimated from the consumption of the nation's produce. The raw material, were it grown in the country, and then manufactured, was certainly the estimate of one nation's profit with another in a commercial intercourse. How was the situation of this with regard to our woollen manufactures? As far as the woollen articles we might export to France, by virtue of this treaty, were composed of English wool, we should clearly have benefit. But as we used at least 350,000 l. of Spanish wool in our manufactories of wollen cloths, we clearly lost this advantage of the raw material. And this was not all; for this 350,000 l. when manufactured into cloth, was estimated, by those most conversant in the trade, to amount to no less a sum than double, even to 700,000 l. Thus such a value would be clearly to our disadvantage. And what yet more increased our loss was, that Spain might give France an opportunity of importing
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their wool under the sanction of the treaty, which restored to both France and Spain the privileges of the family compact. By this France would be able to manufacture this article, and afterwards serve us with the commodity which we before made ourselves. And as it was a species of cloth which our wool would not make, we should be obliged to purchase it from France, under the disadvantage of their having the labour, and we the loss of the artificers, and they the emolument, and we the loss of the manufacture. Thus, having shewn in what manner the advantages of reciprocity were to be estimated in this treaty, he proceeded to several other articles. Among these was the importation of brandies into this country. He had before manifested, that in no possible manner could this treaty diminish the smuggling of this article into the country. And now he meant to evince, that the revenue could not possibly be benefited under the idea of a greater quantity of brandy being imported into the country. 600,000 gallons were the estimate of the brandies imported here. But of this quantity, only 160,000 gallons was the quantity imported annually from France. It was, therefore, evident that the rest must be chiefly imported from Spain, or some other countries on that part of the Continent. Consequently lowering the duties of what were imported from France could not increase the revenue; for, as what was imported from thence was evidently so disproportionate to what we imported from Spain and other countries, no increase of consumption in French brandies could possibly be expected. Unless the constitutions of the people could be altered, he believed a greater quantity could not be consumed than what was at present. He, therefore, could not conceive any advantages of revenue, or indeed commerce, to be derived from lowering the duties on this article. He then proceeded to the cotton manufactory. This, he said, was chiefly supported by the working of a raw material, of which no less a quantity than 17,000,000lb. of wool cotton was used. But of this quantity half was imported from France, Portugal, and the Brazils. Was not this an alarming circumstance to a manufactory of such consequence as the cotton, fustian, and velvet was to this country? By this treaty, France herself might withhold two millions of the quantity we used, and keep it for her own rising manufactures. And if we were deprived of this raw material, one of our greatest manufactures would be destroyed, or at least transplanted to France. What was there in the treaty to compensate for such an essential loss to the commerce of the kingdom? He knew of none. Much had been said with regard to its reciprocity, but with all his examination of it he could not find one article in which any trace of it existed. Proceeding thus through

through several articles of our commerce, he adverted to our situation with Portugal with respect to the present treaty.—As to the idea of our renewing or preserving the Methuen treaty, he had not the least expectation. We had not preserved to ourselves the only chance which could give us any pretence to ask it with confidence. Portugal knew that we had formed a treaty which precluded us from every possibility of making any advantage of any proposal we might offer, and she might think proper to reject. She would, therefore, not be inclined to give us a benefit for a bonus we had not in our power to bestow; for notwithstanding we had a reserve to reduce her wines one third below those of France, yet as we had no means of giving, or rather selling, this advantage to any other, should she refuse it, she could have no reason to accept a proposition tending so much to her disadvantage. What gave a pretence to treaty was, to have it in your power to offer to one, what, if rejected, you might, with advantage, offer to another. But this you could not expect in the present instance of Portugal wines, and therefore he did not perceive on what species of confidence we could expect the Methuen treaty to be continued, what was to compensate for the advantage which we lost? 150,000*l.* of salt fish we annually sent to that country. Where could we find a market for this invaluable article of our commerce? If any where, we should expect to have it in France. For as we lost a benefit in consequence of giving them an advantage, we certainly had a right to expect from them a compensation. But could we expect this? No! They had a fishery of their own. They, therefore, would not take ours. Where then would the right honourable gentleman find the reciprocity in this particular? None could be found. It was consequently evident, that here a most material sacrifice was offered to the pretences of France. We lost not only this sale of our produce, as it might be called, but we lost this proportionate opportunity of reaping those advantages from our fisheries, which rendered them the most immediate and absolute nurseries of our seamen.

The right honourable gentleman had made some extraordinary observations concerning the importation of wines into this country, in consequence of the treaty. He did not conceive that any particular advantage could ever be derived from this concession—if it might be so called. Wines were certainly a luxury, and a most agreeable species of luxury, with which we could not dispense. But surely, their importation on one third less duty than before; would not prove the least advantageous to the country from any pretended equivalent that might be offered us.

With respect to the equivalent which we were to have

for the reduction of the duties on French wines, so as to admit them more freely into our ports, what article had we the privilege of exporting into France? He knew of none. It appeared to him, therefore, an advantage given to France without the least sign of an equivalent. We were admitting French wines into our ports to the exclusion of those of Portugal, reducing our duties on both, and forfeiting all those advantages which we formerly enjoyed by the Methuen treaty. Such was the policy and principle of the leading feature of this treaty.

The right honourable gentleman had used arguments not less extraordinary in favour of establishing peace between this country and France. He had asked in his zeal and sanguinary wishes for the event, was not the two countries nearly situated, were they not nearly connected in their mutual intercourse, were they not pursuing the same means of increasing their prosperity, and was not this the only means of uniting a people in the bonds of peace, amity, and prosperity? Such arguments might be used with regard to Spain and Portugal. Portugal might say, am I not nearly adjoining to Spain? Do we not speak almost the same language? Are we not of the same religion? Are we not similar in manners? And should I not seek rather alliance and protection from a neighbour so near me, and so competent to afford protection from insulting and invading neighbours? These questions are certainly as applicable to Spain and Portugal, as they are to France and England. And yet the answer which would naturally be given to Portugal as well as to Great Britain, was that vicinity of situation, instead of being the means to connect, is what should excite your fear and jealousy. Portugal being so near to such a superior power as Spain, is certainly in danger of her ambition. It is therefore, that she rather seeks foreign connections and alliances, than union with a country to which she might be sacrificed, had she not such a friend as Great Britain to call to her assistance. This is the reason that Portugal cannot enter into any treaty with Spain with safety, no more than Great Britain can possibly enter into a commercial treaty with France. Both transactions are equally dangerous to us and Portugal; for each of our relative situations are such, as to render this policy extremely hazardous, not only to the prosperity, but to the existence of each country as a nation, in the scale of European politics.

As to the stipulation of reducing Portugal wines one third below the French wines, while the eleventh article of the treaty subsisted, he could not conceive that this could have the least effect to preserve the Methuen treaty unbroken.

ken. For by the eleventh article it was agreed, that all commodities imported from either nation into the other should be on terms of the most favoured nations, Portugal excepted. Thus, if we reduced the Spanish wines, we should be obliged also, by the French treaty, to reduce to the same degree the French wines, unless they were already as low as the duties on Portugal wines. Thus should we be obliged to reduce the duties on both the French and Portugal wines, to the great diminution of our revenue, without the least probability of having any pretence to an equivalent.

In the course of his speech he made several observations on other parts of the produce, commerce, and manufactures of both France and Spain. But as we cannot possibly engage more of our paper to enter minutely into these several subjects, we are thus obliged to give only the most interesting articles on which he gave his ingenious sentiments. The men of the benefits given in this treaty to France, must naturally lead him to observe, that the same advantages were as due to Ireland as to a rival. He therefore perfectly agreed with what his honourable friend (Mr. Sheridan) had remarked. It was certainly necessary to form an act to grant them the privileges. The only difficulty which he perceived in the prosecution of this subject, was the opposition made to the countervailing duties on the Irish propositions. If this could be dispensed with, let the manufacturers come to the bar, and acknowledge that they had been mistaken in the evidence which they had formerly given on the subject. If such were the alteration of circumstances from this treaty, as to give just cause for such a variation of sentiment, he saw no reason for the manufacturers not coming to the bar and correcting what they had misconceived. Then the Irish might participate of those advantages, to which they had certainly as great a right as the French, on the same conditional countervailing duties.

Mr. Fox mentioned the construction which Mr. Pitt put upon some of the articles, and particularly the clause relative to ships and vessels driven by stress of weather upon the respective coasts of the two contracting powers; asking how the honourable gentleman could expect the manufacturers of the Chamber of Commerce to understand the treaty, if they were to have words so strangely translated, as to hear "ships driven by the stress of weather upon a coast, " termed shipwrecked? He also spoke of the construction which the Chancellor of the Exchequer had given to the eleventh article on Friday evening in respect to Spanish wines, and declared that it was a construction by no means obvious or warranted by the wording of the article. Mr. Fox

maintained that the treaty was a tempting bait, which none but gudgeons the most simple would have bitten at. He concluded with moving, that the Chairman do leave the Chair, report progress and ask leave to sit again.

Mr. W.
Grenville.

Mr. *W. Grenville* apologized for his troubling the House, conscious as he was, that he had no pretensions to the eloquence and ability of the right honourable gentleman, (Mr. Fox) nor was he able to cope with him at all in point of ministerial knowledge, but he nevertheless thought it his duty to rise and say a few words. Mr. Grenville then denied that his right honourable friend had said, that he rested principally upon verbal assurances of sincerity and professions of friendship for the good intentions of France. He had added various other reasons to induce him to believe the Court of Versailles sincere, but surely, if France was so powerful as they had been stated to be, it was an unanswerable reason for this country's uniting herself to France by a commercial connection. He could not agree that this country ought to stand forth ready on all occasions to assist others in attacking France, but that every measure which could be adopted that was likely to ensure the duration of peace ought to be adopted by her. He suggested, that, however respectable the manufacturers, that House was surely much more qualified to legislate than they were. Mr. Grenville stated that the fifth article of the treaty, which the manufacturers entertained doubts about, was copied from the treaty of Utrecht, and was already in force. Speaking of our political interests, he said, that he did not believe the description the right honourable gentleman had given of the influence France had over the other powers, so as to make them adverse to entering into an alliance with us, was founded; but, on the contrary, he hoped, and he believed, that they felt very differently towards us. Yet the best alliance in his mind was, an alliance with our merchants and our manufacturers. Encourage the spirit of adventure and of industry, and that would necessarily increase the means, and furnish the resources to enable us to support a war, should a war become unfortunately necessary.

Mr. Fox.

Mr. *Fox* having observed, that the right honourable gentleman, who spoke last, had said, that the Chancellor of the Exchequer rested his belief of the sincerity of France on something better than mere assurances and professions of friendship, signified his wishes to know, whether the honourable gentleman would be so good as to declare from what symptom the Chancellor of the Exchequer was led to imagine France sincere? Was it from her kind interference in our favour with the Court of Portugal? Was it from her well-timed assistance at the Court of Russia; or in Spain, or
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any where else that we were negotiating? The right honourable gentleman was not, it appeared, so ready to court foreign alliances, as alliances at home; he was for relying on internal and domestic, rather than seeking for external support and assistance. External means should always be looked after, because, if we had not a friend, we might have an enemy, in any other power, and though a small power could not do a great deal against us singly, there were circumstances, under which, the having a friend, was of material consequence, be the power of that friend narrow and circumscribed, or great and extensive.

The rising of Mr. Francis and Mr. Flood together, occasioned a clamour in the Committee, some calling to the one, and some to the other. At last, it was carried in favour of Mr. Francis by the authority and decision of Mr. Beaufoy, the Chairman.

Mr. *Francis* now addressing himself to Mr. Beaufoy, said, Sir,

I am very sorry that there should have been any subject of dispute, or competition between Mr. Flood and myself; yet I do not entertain the least doubt, but that if the present question should not be adjourned, the Committee will sit long enough to hear that gentleman's sentiments at large.

I shall not begin, like the right honourable gentleman, (Mr. Grenville) with making an apology for endeavouring to obtain an audience at so late an hour; because I cannot admit that any endeavour to perform what I think a serious and important duty, does, in any circumstances, or at any hour, require an apology; but for my manner of performing such duty, I do most earnestly and unaffectedly solicit the indulgence of the Committee. I came to the consideration of the present great and important question with a mind already occupied and agitated by another business, in which I was actually engaged, and to which I had been forced to dedicate a considerable period of my life. Independently of that avocation, I am sensible of my own inability to deliver my thoughts with the force and perspicuity which many others, long trained and exercised in this House, derive not only from their superior ability, but from the facility, which custom gives them, of turning their ability to use and practice. Without attempting therefore to make a formal, methodical speech, I shall lay my thoughts before the Committee in their crude state, as the materials of reflection to others to be worked up by their superior skill; to be corrected, improved and applied by their superior judgement. Some general method, however, I shall observe, I shall consider the subject at large, under those four general heads, into which Mr. Pitt has divided it: namely, the commercial, the revenue,

venue, the naval and the political view of it. One of which, the naval, though he has mentioned it in his explanation. Although it be a commercial treaty, the commercial view of it, while it suggests insurmountable difficulties and objections, is, in my opinion, the least important part of it. What I see upon the face of the treaty is dangerous and destructive to its own professed object; but the real plan and purpose, which, as I think, lurks behind the commercial system, which, though not directly brought into view, is to be introduced and promoted by it, becomes the thing which strikes me with suspicion, with jealousy, and with terror. Upon this I shall explain myself more at large in its proper place, dismissing first that part of the subject, which is of least comparative importance. The general argument in favour of an open trade with France, which, I find, the most relied on, is founded on a general presumption, taken for granted, that our manufacturers possess a skill in the execution and finishing whatever they undertake, which the French never have reached or can attain to, and which gives us not only an unquestionable, but an unalienable superiority over them; as if there were something in the nature of the French, some difficulty inherent in their climate or constitution, which makes them incapable of arriving at the perfection of our manufactures in general. In some articles I allowed it to be true, that they are greatly our inferiors at present; but no reason occurs to me, nor have I heard any satisfactory reason assigned, why such inferiority must of necessity continue, if even the present treaty did not, as it does, tend to furnish them with means and opportunities of improvement, which they did not possess before. The examples chiefly insisted on by two right honourable gentlemen (Mr. Pitt and Mr. Grenville) were the English woollen and cotton manufactures, in which, as they affirmed, we actually were and must continue unrivalled. One of these gentlemen (Mr. Grenville) had ventured to assert, in express terms, that the great market of France, being thrown open to us by this treaty, would take off more of our woollens than we now send to Portugal. These instances appear to me most unfortunately chosen; for France is in possession of the Spanish wool, and can import it on terms infinitely easier than we can. She might even by her influence, exclude us from any share in it, whenever she thought fit. In fact, the French have improved their manufacture of cloth to such perfection, that they have beaten our Turkey Company out of the market, which we formerly had in the Levant for that article, and have engrossed it to themselves. The proposition therefore, which affirmed that we should find a market in France itself, greater than that of Portugal and all

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her colonies, for an article which France was able to export to a foreign market, and in which she conquered us in that market, seems to one not only unsupported by proof, but absolutely absurd. In no article whatever does expiration begin, until the House consumption is provided for. With respect to our supposed unalienable superiority in various manufactures of cotton, I must request the Committee to consider on what rational principle that idea proceeded, or what clear convincing argument there was for presuming that the French weavers, whose wonderful skill and success in the manufacture of silks and velvets are undisputed, should be deemed incapable of the same perfection in cottons. Let me recall to the remembrance of the Committee, how strongly a similar idea has been resisted and combated by some gentlemen deputed from Manchester, at the bar of this House, and particularly that they have produced at the bar a piece of French cotton of extraordinary beauty, equal, as they said, if not superior to any thing of the same sort that had been produced in England.

In considering the commercial effect of this treaty upon our connection with Portugal, I have an unquestionable right to argue upon a presumption admitted; namely, that the Methuen treaty might possibly be dissolved, and our commercial intercourse with Portugal annihilated by it, since a right honourable gentleman (Mr. Pitt) has indirectly allowed, or certainly not expressly denied, that such might be the possible event. On the supposition of such event, had the Minister of this country carefully and deliberately considered? If the Methuen treaty (no matter by whose fault) should in fact be dissolved, might it not happen that Portugal might instantly prohibit the importation of all English manufactures whatever in their country? And if she did so, was the right honourable gentleman ready and prepared with another market, not only to take off the goods actually provided for that of Portugal to the amount of a million sterling per annum, but to continue to receive a supply from us to the same amount in future?—In my opinion, Portugal might take that resolution safely, as a commercial measure, at least without fear of retaliation. If, as the right honourable gentleman truly observed, our luxury had converted wine into a necessary, that observation was particularly true of Portugal wines, which this country neither would nor could relinquish. The wines of Portugal therefore, would continue to be imported, and if we did not pay for them with manufactures, we should pay for them with money. As to cotton, it was a raw material necessary to the support of our own industry, and therefore I presume, that let the provocation on the part of Portugal be ever so great, no man would

would think it prudent to retaliate by prohibiting the importation of that commodity.

With respect to smuggling while the treaty professes to aim at the putting an end to all manner of illicit trade between France and England, it in reality affects the reverse of what it professes. Many provisions in it seem expressly calculated to give permission, facility and sanction to an universal system of smuggling. It annihilates the hovering act, hitherto understood to be the principal defence of the revenue and security to fair trade. French vessels of any size or construction, and which, as the law yet stands, were to be deemed and taken *ipso facto* for smugglers if seized within a certain distance of the coast, may now approach and sail along our coast at any distance they think proper, whether forced by storm into the havens or ports, or making land there in any manner whatever. They are not only not liable to be seized, but shall not be obliged to unlade their goods, or any part thereof, or to pay any duty. Again, as the law stands at present, on a discovery of any contraband goods, the ship and cargo are forfeited; whereas, by this treaty, nothing but the specific article prohibited is to be liable to confiscation. The ship itself, and the other goods therein, are to be accounted free. Our laws, as they stand, suppose a crime, and denounce a punishment; whereas the mere forfeiture of the thing prohibited, (setting aside the difficulty of making any discovery at all) is no punishment, and therefore cannot deter. It only reduces the smuggler to a small possible risk against a great probable profit. On the whole of the commercial question, I shall beg leave to conclude with one general observation, supported by a strong fact, which I hope the Committee will carry along with them. As to the mere exportation and sale of our manufactures, considered by itself, and abstractedly from the protection certainly due to the fair trader, and the necessary care of the revenue, it is nearly the same thing to any country whether the exportation be performed by lawful or unlawful means. Supposing that the present treaty should really give a great increase to the open exportation of our manufactures, and should really demolish smuggling, the amount of the goods, now smuggled, ought to be set against that whole exportation, and our real gain would consist in the difference between them, and ought not to be rated at a higher value than what that difference amounted to. It was also unquestionably fair in estimating the value of the expected increase of our open exportation to France, to set against it all diminution of exportation to other countries, of which this treaty had been or might probably be the occasion; and I much feared that, when all these deductions shall have been

been made, the final balance or real increase of exportation would prove very inconsiderable indeed, and no way capable of justifying so bold, so hazardous, or, at least, so complete a change of system as the present. The direct contraband trade to France is an object of some magnitude; the indirect contraband trade to France, through the channel of Flanders, is an object of still greater importance; the former was to be suppressed by the treaty; the latter was already suppressed by a variety of edicts of the Emperor passed within these three months (copies of which I have in my hands) which laid duties, amounting to a prohibition, upon almost every material article of English commerce, which, until within the last three months, had been freely admitted into Flanders on very light duties. We have therefore lost Flanders, not only as a great market in itself, but as a most favourable channel of communication and supply to the internal provinces of France, as well as to some parts of Germany. It was well known that the Emperor had taken these steps, so hostile and so injurious to Great Britain, in consequence of the avowed predilection of our Court to the interests of France, in preference to his, even in commercial matters, and as a just expression of his sense and apprehension of that secret union which he saw was forming between the Courts of St. James's and Versailles, beginning with exclusion and apparently tending to hostility against him.

The subject of contraband trade naturally leads me to say a word on the system of drawbacks, as it stands at present in this country. The spirit of smuggling is greatly encouraged and inflamed by the drawbacks allowed, particularly on articles of re-exportation, and the whole system ought to be carefully revised and corrected. It is a fact which frequently happens, that a pretended merchant, who is a real smuggler, will buy a bale of goods at the India house, for example, value 100*l.* will instantly agree to sell it to a retail dealer or shopkeeper at 95*l.* and actually deliver it at that price, with a profit of 5, 6, or 7*l.* How? He enters the goods for re-exportation, receives the drawback, amounting to perhaps 8, 10, or 12 per cent. relands the goods either in the river or in some convenient place upon the coast, conveys them to the shop in London, and pockets the difference. If this fraud were frequently practised now, as I know it to be, how much more easily, and how much more generally, would it be practised, when the present treaty shall have laid open the approaches of our coast, and taken away all the existing restraints upon the French smugglers and other coasting craft established by the hovering act?

With respect to the improvement of the revenue by the
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suppression of smuggling, I fully admit the utility of the object, and hope that the profest intention to pursue it is sincere. But even here I see cause for suspicion and distrust: the honourable gentleman (Mr. Pitt) has stated, truly and properly, in my opinion, the advantage that would arise to the revenue, by taking off the prohibition, and levying a duty upon French cambrics. I agreed with him on this point, that as French cambrics are universally worn here, the open admission of them would be a clear gain of revenue to the amount of the duty, with little or no increase of the quantity imported; yet these advantages are obtainable by acts of our own, without the assistance of a treaty with France. But why is the operation of so just a principle confined to cambrics? For what reason is the prohibition of French laces continued? Why are they not admitted openly under a duty, when every body knows that such articles are very easily imported, and very generally worn. I am sorry to say, that, for this inconsistent conduct, a reason has been suggested to me which does no credit to Administration. Buckingham is a favourite and protected county, of which one of the principal manufactures is lace. At first sight, it might appear that the prohibition, unwisely because ineffectually, continued against French lace, was meant to favour the English manufacture, by securing it against that competition. Directly the reverse is the case; the public prohibition has been continued for the purpose of enriching the manufacturers of Buckinghamshire, by the contraband importation of French laces; and I am well informed, that above two thirds of the laces sold for the manufacture of that county are in reality French, smuggled by the English manufacturers, rolled upon English cards, and sold by them as the produce of their own labour.

With respect to the revenue in general, I beg leave to urge one grand and important consideration, embracing the whole subject, to the Committee, and particularly to the Chancellor of the Exchequer. That the right honourable gentleman has given an assurance to his country, and implicitly pledged his personal honour for the truth of it, not only by his declarations, but by his measures, that such was the prosperous and flourishing state of our revenue, that, after providing liberally for all possible demands and services, after providing for the enormous interest of an enormous debt, there was a real, effective, and unquestionable surplus, to the amount of a million a year, applicable to the discharge or reduction of the public debt. Parliament has taken his word for the fact, and, presuming it to be true, authorised him to apply that supposed surplus, which, in the course of the last year, has been accordingly done. Now,
admitting

admitting that the right honourable gentleman has not deceived himself or the nation on this most interesting subject, admitting his assertion to be true, that, after providing liberally for all the expences of this country, and all the immediate demands of its creditors, our finances are yet in so flourishing a condition, as to exhibit a surplus of a million, of which Parliament might avail itself for the reduction of the principal debt. From what cause could such a state of facts, at once so extraordinary, and so full of consolation and encouragement to this country, be understood to arise? Would the right honourable gentleman himself, would any man, who knew what were the true sources of wealth or prosperity in any nation, ascribe it to any other cause, but to that long-established, wise and successful system of commerce, which the present treaty with France professes to alter materially, if it did not mean totally to subvert? You acknowledge and insist on the benefits and profits of a commercial system, at the very moment when you are going to abandon it. So bold and hardy a move has never yet been made by any Minister in this country; should it fail, let him look to the consequence. It concerns himself very materially, as it does this nation essentially, that he should make good his promises, since he takes upon himself to answer personally to his country, not only for the possible failure of commerce which might follow, but for the consequent and unavoidable failure of the public revenue. Upon his own shewing, he finds the commerce and revenue of his country in a flourishing state; the effect, as he states it, proves the cause; the wisdom of the actual system is, *de facto*, demonstrated by its success. He who voluntarily abandons, or, without some self-evident necessity, undertakes to change that system, ought to be, and certainly would be, made responsible for all the consequences of the change.

The right honourable gentleman has not said a single word on one of the most obvious and important questions belonging to, and naturally arising out of, the measure which he now recommended; namely, in what manner it is likely to affect the seamanship, the navigation, and, of course, the navy of Great Britain. The certain effect, if not the acknowledged principle of the treaty, to substitute a very near commercial market in the place of a remote one; at least to prefer the former to the latter. Setting aside for the present every commercial view of the measure, and without considering how it might operate as to mercantile profit or loss, let the Committee observe how it acted in other directions. Hitherto there has not been found a man in this country, hardy and shameless enough to assert in terms (what nevertheless a certain measure attempted did plainly imply)

that the navy is not the true, the natural, and the constitutional defence of this island, and for which, if it were once lost, there could be no substitution; no equivalent, no certainty of resistance against foreign invasion and conquest. There is not as yet a head in this country so fortified against truth and reason, as to venture to deny the truth of this proposition. Not even the noble person, who, with the example of the Chinese before his eyes, who have surrounded their empire with a wall, and converted it into a prison, would have treated his country in the same manner. On this foundation, the right honourable gentleman has asserted, that if a commercial arrangement of any kind were ever so advantageous in point of profit, yet, if it had a tendency ever so remote to weaken or impair the navy of Great Britain, it ought to be instantly rejected and abandoned; and with so much the greater indignation and disdain, if it hoped to succeed, by holding out temptations to national avarice to abandon the care of national honour and security. A commercial intercourse with France will be carried on in small vessels, by short trips, and by seamen, (perhaps even by landmen) who neither want much experience, nor can possibly gain any in such a navigation. The whole of it will be performed by skippers, smugglers, and packet-boats, and just as easily by the French as by the English. A remote market requires vessels of larger dimensions and better construction: it gives employment, exercise, and experience to our seamen, and is in truth the nursery and school on which the navy of Great Britain depends for its equipment. I am at a loss for terms to prove the truth of a proposition in itself so plain, or to establish the conclusion, which it forces upon my mind; the first is evident, the second palpable: I shall therefore content myself with putting to the Committee the strongest case in point which my understanding is able to imagine, and leave it without argument to be determined by its impression. Supposing it possible to remove the whole of the foreign trade of England from the various remote countries with which it is now carried on, and to find an immediate reception for it in the single market of France; and supposing that by such transfer our commercial profits upon the whole were really to be doubled, or trebled as long as the commerce lasted, would any man in that House, would any man in this nation, who deserved to belong to it, consent to such a transfer? The commerce which pretends to be conducted without a navy, acts directly on a principle of destruction to itself.

I shall now proceed to consider, in a general view, the general policy of the treaty, as briefly as the interest and importance of such a subject will permit. In this view of it, the

the measure is alarming indeed; insomuch, that if every other objection to it, on every other ground, were answered or abandoned, the obvious political tendency of the treaty would be sufficient to condemn it in the mind of every man, who is anxious for the honour, the virtue, and the freedom of Great Britain. But before I go to that general consideration, there is something material to be stated concerning the particular policy of the present Administration in their conduct to Portugal; and, in this place, Sir, I hope it will not appear improper in me to say, that, in the early part of my life, I had the good fortune to hold a place, very inconsiderable in itself, but immediately under the late Earl of Chatham. He descended from his station to take notice of mine, and he honoured me with repeated marks of his favour and protection. How warmly, in return, I was attached to his person, and how I have been grateful to his memory, they, who know me, know. I admired him, as a great, illustrious, faulty, human being, whose character, like all the noblest works of human composition, should be determined by its excellencies, not by its defects. I should not have mentioned these circumstances, though I confess I am proud of them, if they did not lead me naturally to the subject immediately in question. In the year 1760, Mr. Secretary Pitt recommended it to the late King to send the present Earl of Kinnoul Ambassador Extraordinary and Plenipotentiary to the Court of Lisbon. The same recommendation engaged the noble Lord to appoint me his Secretary. The ostensible object of the embassy was to make a voluntary, and, therefore, an honourable excuse to his Most Faithful Majesty, for an unintended, perhaps, not a real, violation of his territorial rights, when Admiral Boscawen, pursuing a French fleet, forced some of their ships to take refuge on the coast of Portugal, and burnt them near the shore. The real intention of the measure was to engage the Court of Portugal in an amicable discussion of various infractions of treaty on their part, and of sundry grievances which our trade to that country, and our merchants residing there, were said to have suffered. Hardships and grievances were complained of, then, as they are, at present, many of them with reason, and some of them without it. I admit, too, that the Court of Lisbon, though otherwise very well pleased with the embassy, received our complaints but coldly, and showed little disposition to give us satisfaction. While this negotiation was depending, and before any thing like a redress, or even an answer, was offered us, the late Marquis of Pombal suddenly surprised Lord Kinnoul with a declaration that, from various appearances, he was convinced that the Court of France had determined to come to an open rupture.

rupture with Portugal, and that, supposing that event, the King, his master, was desirous to know whether he might depend on the vigorous and effectual support of His Britannic Majesty. Lord Kinnoul immediately transmitted the requisition, with all its circumstances, to Mr. Secretary Pitt, who, the moment it came before him, considered and answered it as a wise Minister ought to do on its own great political principles. Disdaining to suffer any commercial complaint, any grievance or interest at that moment in agitation, to be mixed with such a question, he instantly ordered the Ambassador to deliver to the Court of Portugal the following declaration :

“ That his Most Faithful Majesty may be assured that the
 “ King will always consider the defence of the kingdom,
 “ and of the States of Portugal, (that antient and natural
 “ ally of England) as an object dear and interesting to the
 “ honour and to the welfare of his crown and of his people,
 “ and the first in rank immediately after the preservation of
 “ the dominions of Great Britain herself.”

This is no state secret, nor does it belong to the official confidence reposed in me. The declaration was ordered to be made in the most formal and authentic manner, and to be delivered in writing to the government of Portugal, in order that it might be preserved in the archives of that kingdom, as an everlasting evidence and pledge of the policy, of the good faith, and of the unalienable attachment of Great Britain to the interests of Portugal. But now it seems a new and wiser principle of policy is to be adopted ;—the Minister of the present day abandons the embraces of an antient ally, to throw himself into those of an antient enemy, because that enemy opens her arms and holds out tempting terms to seduce him. One would think, that, if he knew nothing of the true policy, or however he might despise the antient maxims of this country, he could not so easily efface the impressions, or even eradicate the prejudices, which he must have imbibed in his earliest education ; that he would at least have respected the example, though not instructed by the lessons of paternal authority. We are grown wiser in our youth, and now the wisdom of the son is to correct the errors of his father’s age and experience. No wonder then that the same wisdom, mature at its birth, should think itself sufficient to remove or correct all the antient inveterate prejudices, which once were called the wisdom of England. Perhaps it may be so ; but, until I see what the real effect of such an alteration is likely to be, I cannot entirely trust to the right honourable gentleman’s sagacity ; his promises blossom like himself ; we know not what bitter fruits they may produce.

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The right honourable gentleman not only admits but triumphs in the novelty of the measure. He expressly allows that it militates against many antient prejudices. Sir, this very language ought to guard us against the conclusion into which it endeavours to hurry us. Let us pause a moment, before we determine, that novelty and improvement, of necessity, go together, or that every thing, which is antient in the sentiments of our country, must therefore be absurd. It has been said, that the wisdom of a nation is expressed in its proverbs. One of the oldest in our language says, that evil communication corrupts good manners. I do not mean to apply it to the right honourable gentleman; far be it from me to say that his manners are within the reach of corruption; though I cannot help thinking that his conduct in this business partakes of the levity and precipitation of his new friends and favourite nation, which perhaps may have infected him. *Eodem animo in consilium, quo in pugnam ruunt.* I hope the right honourable gentleman's eagerness to learn French will not make him forget his English, that, while he imports the wit and genius of France, he will not prohibit or discourage the use of English common sense. My serious opinion and deliberate conviction is, that the nearer the two nations are drawn into contact, and the more successfully they are invited to mingle and to blend with one another, in the same proportion, the remaining morals, principles, and vigour of the national English mind, will be enervated and corrupted. We shall be civilized out of our virtues, and polished out of our character. He, whose ultimate purpose is to enslave a free people, always begins by endeavouring to corrupt them; and whether it be his purpose or not, the road he follows can lead to no other object.

But we are told, that one merit of the present measure is, that it militates against many antient prejudices. Now, supposing the opinions in question did really deserve that name, is it clear, that it would therefore be safe or prudent to eradicate such opinions? The judgement of a nation appears in its proverbs; the virtues, and possibly the vices of a nation, appear in its prejudices. To cure a whole people of their prejudices is to efface their distinct character. There is no such thing in existence as a moral or immoral nation. The national mind is formed by circumstances external to it, not upon the internal principles. The French and English, we say, are natural enemies; not because there is any natural antipathy between them. On the contrary, no people agree better in private life. It is their relative position, their vicinity to each other, that furnishes a perpetual source of dispute, that makes them rivals in peace, as well as enemies in war. Nations which border on each other never can
thoroughly

thoroughly agree; for this single reason, because they are neighbours. All history and experience assure us of the fact. If their respective power be very unequal, that very inequality is another source of enmity. One of them will always be formidable, the other will always be suspicious. As long as the Scotch and English stood in the relation of neighbours to each other, how was it possible they should agree? That cause of opposition ceased at their union, and now, instead of mortal enemies, I trust in God they are immortal friends. With respect to the French, if peace can be preserved between us on terms of honour and security to England, who is there so mad or wicked as to refuse it? But take care that the peace be armed. As to an alliance or intimate union between the cabinets of a despotic and of a limited monarchy, it is not antipathy, it is not prejudice; it is the policy, it is the wisdom, it is the experience of England, which ever have and for ever should deter us from accepting it. I need not look back to the days of Agincourt and Cressy, for neither could causes so remote have operated so long, nor is a battle between hostile nations any more than a duel between individuals, a motive for hating each other. The battle and the duel rather act as a crisis, which kills the parties, or cures the disease. It has been the deliberate policy, not the passion, of England, in all times, but those of the House of Stuart, to prefer the friendship of any distant nation to that of France. Lord Herbert's life of Henry the Eighth furnishes a most remarkable passage in point. He says, "The King's Council thought fit to advise with him concerning marriage, about which many propositions being made, the graver sort told him, that the same reasons which made his wise father chuse to match with Spain were in force still: that his pretences being on France, no alliance could be useful on that part. Besides, that betwixt great estates adjacent to one another, such jealousies use to rise, that they make peace sometimes, but never friendship. The leagues and confederacies have in them the nature of harmonial accords, which jar in the second, but agree in the third interval; therefore that he should match with Spain, or at least with some Prince that might join with him, when there should be question of opposing France, which, since that late union of the Dukedom of Bretagne, he was to consider as a potent and dangerous neighbour."

Such to this day has been the true English principle of English Councils. But now it seems we are arrived at a new enlightened æra of affection for our neighbours, and of liberality to our enemies, of which our uninstructed ancestors had no conception. The pomp of modern eloquence is employed to blast even the triumphs of Lord Chatham's Administration.

nistratation. The polemic laurels of the father must yield to the pacific myrtles which shadow the forehead of the son. Sir, the first and most prominent feature in the political character of Lord Chatham was antigalican. His glory is founded on the resistance he made to the united power of the House of Bourbon. The present Minister has taken the opposite road to fame; and France, the object of every hostile principle in the policy of Lord Chatham, is the *gens amicitissima* of his son.

Sir, if nothing more were intended than what is avowed, and admitting that there may be no secret compact between the two Cabinets, an intimate union with France must always be disgraceful and degrading to England. From the common discourses of the French, you may collect what their views and expectations are from such an alliance. Their constant language, wherever an Englishman can hear it, is invariably to this effect; let France and England unite, and let us govern the world. For such a purpose, undoubtedly, the force of this country would be a powerful weapon in the hands of France; but in such a connection let us previously consider what is likely to be our station. When they talk of contracting a marriage between the two nations, if you ask them which of the two is to be husband, their invariable answer is, Why, certainly France. To us the question is infinitely more serious than any thing which concerns mere rank or precedence. The reflections which belong to it are too obvious to require explanation, and too hazardous to be expressed. There may be a strict union between the two crowns, though never between the two nations; and that union, at some future period, may be fatal to the liberty of Great Britain. If the present impatience of the House would permit me, it would be superfluous to say more.

Mr. Flood said, that he should only trouble the Committee with a word or two. He had presented himself to the Chair as soon as the right honourable Chancellor of the Exchequer sat down, but after the honourable gentleman, who spoke next, had been heard, he wished to wait till the splendour of his eloquence had vanished from their sight. At that moment the Committee were so fatigued and exhausted as well as himself, that he was as incapable of speaking as they must be unwilling to listen. It was his intention, however, in the best manner he was able, to endeavour to describe the principles on which this decision would hinge, but as there would be another opportunity of doing that, and the question then before the Committee was, "that the Chairman leave the Chair," he would content

himself for the present, with giving his vote for that question.

Mr. Powys. Mr. *Powys* observed, that the right honourable the Chancellor of Exchequer had been pleased to assert, that the treaty would prove a vast extension of the national revenue: If those allegations could be fully and fairly made out, he was persuaded, that the right honourable gentleman deserved the thanks of his country for his good intentions, and his very important services: With regard to the hazard we had ran in such an intercourse, he saw no great risk, except in two articles, in glass and in cottons. The glass manufactory, he conceived, would be utterly annihilated by the treaty; and he greatly doubted whether the cotton manufactory would not be injured considerably. The resolution that had been moved, he looked upon as conclusive, and binding upon the Committee if they agreed to it, and the right honourable gentleman had fairly told them (for he had taken down his words) that he neither desired nor expected any gentleman to vote for the resolutions, unless he thought that the treaty proceeded on a safe principle, and that it would be highly advantageous for the country. To the latter he was not yet prepared to speak, and as to the safety of it, he was far from thinking it safe, therefore he should vote for the Chairman to report a progress.

Mr. Ald.
Watson.

Mr. Alderman *Watson* said his duty obliged him not to give a silent vote; he therefore desired the Chairman to read the question.

Mr. Beaufoy stated, that the question he was to put, was, "That he do leave the Chair."

Mr. Alderman *Watson* answered, that he had nothing to say upon that question.

Mr. Baring

Mr. *Baring* remarked, that the commercial treaty, as far as his contemplation upon it enabled him to speak, appeared to have its advantages and its disadvantages. In some articles it would prove beneficial, in others the reverse; but, upon the whole, commercially considered, he thought it greatly in our favour. He wished to say a word or two respecting the Methuen treaty, which he had long been in the habit of considering, and had always regarded in a light different from that in which he had heard it mentioned in that House. He considered the Methuen treaty as a commercial boon given by Portugal to this country for political purposes. Our taking the wine of Portugal, therefore, was out of the question. With regard to the fish, that was a separate and distinct affair, established and adjusted long before the treaty of Utrecht, but Portugal could supply herself elsewhere. She might supply herself from France. As to her wines, it had been asserted that Portugal would profit by

by rooting up all her vineyards and sowing wheat, of which latter she imports annually a considerable quantity. Our taking port wine of Portugal, therefore, was not of the consideration that some gentlemen seemed to imagine.

The Committee divided on the question, "That the Chairman leave the chair," Ayes, 118—Noes, 152.—The main question was then put, Ayes, 258—Noes, 118.

The following Papers were presented to the House.

An account of the stock of wine in the possession of dealers, on the 5th of July, and the 29th of November, 1786, respectively; and also of wine imported and consumed within said period.

	FRENCH.	
	Red Gallons.	White Gallons.
Dealers stock the 5th July, 1786	108,328	21,392
Imported between 5th July and 29th November, 1786		
Paid customs only - - -	2,189	97
Paid excise and customs - - -	40,414	1,467
Dealers stock the 29th November, 1786 - - -	122,859	17,625
Consumed between 5th July and 29th November, 1786 - - -	28,072 Tons. Gal. 111 100	5,331 Tons. Gal. 21 39

NOT FRENCH.	
Dealers stock the 5th July, 1786	2,143,075
Imported between 5th of July and 29th November, 1786	1,237,791
Paid customs only - - -	219,457
Paid excise and customs - - -	90,148
Dealers stock the 29th November, 1786 - - -	785,227
	414,093
	1,941,661
	1,154,907
Consumed between 5th July and 29th November, 1786 - - -	1,206,098 Tons. Gal. 47,86 26
	587,305 Tons. Gal. 3330 145

D. PAPILLON,
A. LUCAS,
WM. BURRELL,
ST. BROOKSBANK,
M. WHISH,
H. REVELEY.

Excise-Office, London,
6th February, 1786.

R. WARING, Accountant.

PARLIAMENTARY A. 1787.

An account of the stock of wine in the possession of dealers, on the 1st of September, 1786, and also of wine imported and consumed between the 5th of July and 31st of August, 1786.

		FRENCH.	
		Red Gallons.	White Gallons.
Dealers stock the 1st September, 1786	- - -	106,890½	18,371
Imported between 5th July and 31st August, 1786	- - -		
Paid customs only	- - -	2,189	97
Paid excise and customs	- - -	94 3	507
Consumed between 5th July and 31st August, 1786,	- - - {	12,477 Tons. Gal.	3,365 Tons. Gal.
		or 49 129 13	89

NOT FRENCH.

Dealers Stock, the 1st September, 1786,	- - -	1,926,047½	1,155,402
Imported between 5th July and 31st August, 1786	- - -		
Paid customs only	- - -	219,457	90,148
Paid excise and customs	- - -	236,192	164,326
Consumed between 5th July and 31st August, 1786	- - - {	659,057 Tons. Gal.	323,188 Tons. Gal.
		2579 149	1232 121

D. PAPILLON,
A. LUCAS,
WM. BURRELL.
ST. BROOKSBANK,
M. WHISH,
H. REVELEY.

Excise-Office, London,
6th February, 1787.

R. WARING, Accomptant.

An account of the value of all goods, wares and merchandize, exported from and imported into Great Britain, during the year 1785.

Countries.	Imports.	Exports.
Africa -	48535 12 —	587196 10 2
Canaries -	4457 15 11	17034 19 2
Denmark and Norway	117172 7 8	322395 15 4
East country -	483485 15 8	97783 15 5
East India - -	2703940 14 1	1153532 14 9
Flanders -	222368 17 2	1173906 18 5
France -	117366 9 2	358244 16 11
Germany -	559177 19 —	140284 11 11
		Holland

Countries.	Imports.		Exports.	
Holland	468121	6 11	1506303	12 7
Ireland	2012288	15 10	2168614	4 9
Isle of Man	8389	16 6	31868	— 8
Italy	687155	12 —	513171	6 10
Madeira	2880	— 2	44978	11 8
Portugal	428064	19 11	798204	19 —
Russia	1606688	7 1	233998	11 1
Spain	697712	14 9	788064	2 6
Gibraltar	2616	9 11	86207	13 10
Streights	—	—	306028	3 9
Sweden	203765	15 7	65307	5 5
Turkey	146906	1 3	82449	10 4
Venice	69194	12 4	20294	18 7
Greenland	74523	8 11	2609	4 9
Alderney	22	15 —	4517	6 11
Guernsey	32829	19 8	60581	1 8
Jersey	15649	1 11	29150	14 11
Sark	81	9 5	54	— —
Canada	111451	13 —	267384	14 9
Cape Breton	—	—	—	—
Carolina	228070	15 10	310198	3 7
Florida	18096	3 3	4633	— 10
Georgia	45919	14 7	44396	4 6
Hudson's Bay	11270	5 2	5125	10 4
New England	56647	11 11	163348	5 3
Newfoundland	63584	11 7	198227	6 4
New York	61671	10 9	405762	12 —
Nova Scotia	7084	9 10	207345	9 8
Pennsylvania	57705	6 5	369215	8 5
Island of St. John's, St. Lawrence	—	—	—	—
Virginia and Maryland	443580	6 2	1015102	8 3
Anguilla	2829	15 6	—	—
Antigua	384651	7 7	82463	12 —
Bahamas	14150	8 1	33235	5 4
Barbadoes	249959	4 8	151654	— 10
Bermuda	990	18 9	6118	5 10
Dominica	257967	2 8	61695	2 —
Grenada	438448	9 5	119131	8 3
Honduras Bay	29153	16 5	1647	15 6
Jamaica	262905	3 8	626310	— 9
Montserrat	44055	6 5	6629	15 2
Mufquito Shore	20282	11 9	247	9 1
Nevis	88213	6 10	6838	17 9
St. Croix	—	—	—	—
St. Eustatius	—	—	338	7 —
St. Kitt's	318618	10 8	67753	4 6

- St.

Countries.	Imports.	Exports.
St. Lucia -	18572 19 3	
St. Thomas -	1504 7 10	
St. Vincent's -	157144 5 1	54432 18 3
Tobago -	40733 16 5	313 3 8
Tortola -	85876 1 7	18406 8 —
Demarara -	—	—
St. Domingo -	—	—
Surinam -	—	1 15 —
Northern Fishery -	1554 2 5	
Southern Fishery -	8483 12 11	2403 9 10
St. Martin's -	—	—
Buenos Ayres -	—	—
Cape Francois -	—	—
Havannah		
New Orleans -	727 10 —	1583 — 3
Foreign coin and bullion	—	652560 13 6
Prize goods -	34076 17 —	30941 10 —

Total 16279419 1 3 16770228 17 9

THOMAS IRVING,

Inspector General of the Imports and
Exports of Great Britain,

Inspector General's Office,

Custom House, London,

February 9, 1787.

Account of the Commissioners for the Reduction of the
National Debt for the two first quarters, viz. from 2d of
August, 1786, to 1st January, 1787.

Commissioners Creditors.

To cash paid for following Stocks.

<i>Capital Stocks</i>	£.	s.	d.
151,000 3 per cent. consol.	119,566	17	6
196,800 red. consol.	147,738	0	0
116,960 old S. S. ann.	126,205	17	6
107,000 new ditto	81,301	5	0
35,000 3 per cent. 1758	25,743	0	0

606,760 300,555 0 0

Bank of England Debtor.

To cash issued from Exchequer from Au-
gust 2d, 1786, to 31st January, 1787 500,000 0 0
Six months interest on 37,000l. red. con.
due 10th October, 1786 555 0 0

500,555 0 0
Cash

Cash in hand, and for quarters, October 1,
 February and 1st May, 1787, - £. 254,100 0 0
 The House adjourned.

Tuesday, 13th February.

As the attendance of an hundred members could not be procured, for the purpose of proceeding to a ballot, the House, of course, adjourned, until

Wednesday, 14th February.

When similar circumstances occasioned their adjournment to

Thursday, 15th February.

Mr. *Dempster* begged leave, for a moment, to fix the at-^{Mr. Dempster.} tention of the House to the petition which he had the honour to present some days before, from the civil and military servants of the East-India Company, praying relief from the acts, of which they were so particularly and detrimentally the objects. The acts being read, he moved, "that the House do on Tuesday next resolve itself into a Committee of the whole House to consider of the said acts." This motion, he remarked, was not without precedents on the Journals; some precedents indeed were against it, yet much stronger in his favour, than any which he could show upon his side; and of this nature was the petition complaining of the act relative to Massachusetts Bay, which the House had refused to hear; a most unfortunate denial, and, in his opinion, one dreadful source of those irretrievable calamities of war which followed in America.

Mr. *Dundas* objected against the irregularity of the pre-^{Mr. Dundas} sent motion, though he had no desire to avoid a debate on the subject. On the contrary, he gloried in being instrumental in passing (and this with the consent of the Company, who, doubtless, were intitled to prescribe conditions to their servants) the act, of which many individuals of the civil and military line in the East Indies so vehemently complained.

Mr. *Dempster* averred, that the Company had no right to ^{Mr. Dempster.} barter away the rights and privileges of their servants, which they enjoyed in common with their fellow-subjects. On this point he was ready, at any time, to meet the learned and right honourable gentleman. He was willing, however, to withdraw his motion for the present; but on Tuesday next he would move, "That the agents for the petitioners be heard at the bar by themselves or their counsel."

Mr. *Dempster* then withdrew his motion.

Mr.

Mr. Chan-
cellor Pitt.

Mr. Chancellor *Pitt* moved for leave to bring in a bill for the more effectual suppression of unlawful lotteries. He said it was precisely the same with the bill formerly passed, except that it included the amendments of the Lords.

The bill was accordingly brought in, and being read a first and second time, it was committed.

On the clause being read for making it lawful to insure whole tickets,

Mr. Fox.

Mr. *Fox* remarked, that although allowing that it was somewhat less reprehensible than before, he should object to the clause *in toto*. It was very remarkable, that not one reason had ever been assigned for the introduction of the clause at all, and most undoubtedly it would give a pretence for keeping an insurance-office under the colour of law. For his part, he discovered no argument against insuring shares, which did not apply to whole tickets, except that the evil was not so extensive. He would therefore take the sense of the House upon the subject: and the rather, because as the bill now stood, it might be abused, there being nothing in it to prevent a number of persons buying one ticket and insuring it as often as they chose; for, who was to inform against them, since it was the interest of the officekeeper to connive at the abuse?

Mr. Chan-
cellor Pitt.

Mr. Chancellor *Pitt* answered, that he could not imagine how, by this clause, indiscriminate insurance could be authorised or encouraged, as it was expressly provided by it, that every ticket insured should be insured for the whole drawing of the lottery from the day of such insurance, and should be deposited in some place appointed, or to be appointed, by the Commissioners of the lottery for that purpose.

Mr. Ald.
Townsend.

Mr. Alderman *Townsend* wished to put a stop to insuring altogether. It was a fact, well known to every magistrate both in town and country, that many of the felonies tried before them were perpetrated in consequence of disappointments and losses incurred by adventuring in lotteries. Such was the common case with infatuated wretches who meant honestly to return what they purloined, if their good luck had but enabled them to exhibit such a striking example of integrity! It was also well understood, that lotteries were intended merely as jobs or douceurs for the friends of the Minister. He well knew there were such officers as Commissioners, a Secretary, &c. but he had rather vote them the money for their salaries than vote a lottery. He loved to speak out, and perhaps the true reason for continuing lotteries was, that Ministers might hold their influence by distributing lottery tickets to the loan subscribers. So extremely therefore was he anxious, that rather than debauch in this manner,

manner, the morals of the lower classes of the people, the money were voted by Parliament. It certainly would prove a great hardship on the Public, and a flagrant exposure of mercenary and corrupt conduct; yet he should regard it, as it would be far the better and the wiser alternative.

Sir *Benjamin Hamet* denied that the Minister had any sinister views or private interest for himself or his friends in the lottery. The tickets were in fact set up to auction, and exposed to the best bidder. He was rather obliged, than otherwise, to such as were willing to take them off his hands. Sir Benjamin Hamet.

Mr. *Drake* avowed himself an enemy to lotteries in general, but justified the present clause, thinking that every man had a right to insure his property. Mr. Drake.

Sir *James Erskine* reprobated the whole bill as insufficient to reach its pretended object. If it had been endued with the least efficacy before, it would prove totally annihilated by the clause in question. This clause authorised the establishment of midnight gambling houses, in which the ignorant, the idle, and, what was far worse, the industrious poor, were enticed and stripped of their little property. To think that gambling could, by any regulations, be put a stop to in those houses, while they were legally established, was absurd, and contrary to all experience; for the prohibitory clauses inserted in all the former lottery acts, were a mere dead letter for the want of information. There were undoubtedly a number of informers in this metropolis; but no number of industry of that description of men could, in so many houses, established by law, check a practice to which there were such powerful inducements from roguery and avarice on the one hand, and the hopes of sudden opulence on the other. Sir James Erskine.

Mr. *Pitt* objected to the amendment, and argued, that it was not necessary for every bill to be printed. It was not of so complicated a nature, but that gentlemen might easily carry it in their minds, and deliberate on its propriety or impropriety, without seeing it in print. Mr. *Sheridan* persisting in his motion for the amendment, the House divided, and there appeared for the amendment 63, against it 94.—Majority for the Minister 31. Mr. Pitt.

The third reading was then gone through; the bill passed, and was ordered to be sent up to the Peers.

Mr. *Pitt* moved, "That the House do now resolve itself into a Committee of the whole House, to consider farther of so much of His Majesty's most gracious speech to both Houses of Parliament, upon the 23d day of January last, as relates to the treaty of navigation and commerce between His Majesty and the Most Christian King." Mr. Pitt.

Mr. *Pelham* required some previous explanations on certain points, particularly relating to the convention, before the

House went into a Committee on the consideration of the several particulars of the treaty.

On the question being put that this clause stand part of the bill, the Committee divided, when there appeared, Ayes, 88; Noes, 57.—Majority for the clause, 31.

Mr. Fox.

Mr. Fox objecting to the motion, said, that as so few members were present, as the two ballots had ended so late, and as the importance of reducing the duties on French wines was so vast, he thought that the matter should be deferred until a more convenient opportunity. Besides, what operated materially against the present motion was, there being no positive order of the day for it, and therefore gentlemen did not come down, having not the slightest opinion of its being now resumed.

Mr. Chancellor Pitt.

Mr. Chancellor Pitt contended, that it was an unquestionable fact that he had given notice of his intention to resume the subject upon the present day, and he therefore believed that there were not three persons in the House unapprised of his intention to make this motion. He even was convinced that the right honourable gentleman (Mr. Fox) was not one of the three; and until he heard from the right honourable gentleman himself, that he did not expect it would come on, he should certainly persist in his motion.

Mr. Fox.

Mr. Fox begged leave to assure the right honourable gentleman, that, for his own part, he did not expect that it would be resumed, although he confessed that he knew such was the right honourable gentleman's intentions; yet, as he knew that there were two ballots, each concluding so extraordinarily late, he did expect, for that reason, the present motion could not be made. On this occasion, he felt it necessary to remind the House, that a right honourable gentleman (Mr. Flood) had in the former debate promised to give his sentiments, which he then deferred from the lateness of the hour; and, as he was not present, he thought this an additional argument to defer the present motion. He trusted, therefore, that the majority of the House would agree with him in the necessity and propriety of deferring the present business. In his opinion, it might be brought forward more properly on the morrow, when there would, in all probability, be an attendance, which was indispensable to discuss and consider so important a subject.

Sir Francis Basset.

Sir Francis Basset observed, that he also could, with truth, assure the right honourable gentleman (Mr. Pitt) that he was very far from conceiving the least idea that he would have attempted to resume the subject of the commercial treaty, after the House had been so long engaged with the two ballots; nor did he think it was becoming in the House to hurry a business of this important nature through Parliament with

so

so much precipitation; and he should consequently move for the present motion to be deferred until the morrow; that his motion was therefore, that instead of now, the words to-morrow might be inserted in the question. The motion being read,

Mr. *Drake* observed, that as the subject was of such importance to the country as to require the greatest and most complete information which could be obtained, he certainly thought the motion now proposed was proper and expedient. Besides, the House had lately been very much engaged on business of the first consequence, their rest had been broken, and their minds greatly hurried. This was another additional reason for giving now his vote for delaying the present business until the morrow, although it was contrary to those votes which he had already given against former motions, and which he considered as only dilatory. Mr. Drake.

The question was then read for the amendment, when the House divided, Against the amendment 45,—For it 59.—Majority 86.

Previous to the motion being made for the Speaker leaving the chair,

Captain *Minchin* begged leave to remind the House that some papers were requisite for the information of members on the subject of this commercial treaty. These he wished to have before he was called upon to give his vote; for, without the information which they contained, he confessed himself incompetent to decide upon the subject. For this reason, he hoped the House would not think of resolving itself into a Committee, until they had these papers laid before them. Capt. Minchin.

Mr. Chancellor *Pitt* declared that he was astonished to find gentlemen so unbecomingly desirous to prevent the House from going into a Committee on pretence of certain papers being wanting. If they were, they could be moved for as well in the Committee as at the present moment, the next to which would introduce a resolution of the House into a Committee. Mr. Chancellor Pitt.

Mr. *Sheridan* remarked, that though the Committee should proceed without the papers, he did not perceive that any inconvenience could arise, but what might, in other stages of the passing of this act, be remedied. Whatever vote they then gave, it could not prove so decisive as not to admit of being retracted or corrected before the close of the whole business. The bill, after its commitment, must be reported; amendments might be then proposed; this might cause a re-commitment, and again a report: it must be then read a third time, and afterwards passed. In all these stages gentlemen would certainly have an opportunity of proposing any objections which might occur, or alterations which they might wish.

wish to adopt, from any additional intelligence they might receive from papers they had to expect. With this conviction he did not entertain the least dislike against going into the Committee; but he certainly had a very great objection to the business being so precipitately hurried through the House. On this occasion, he trusted that he should be allowed to express his anxious hopes that the consideration of the commercial treaty would not induce the House to forget the remainder of the charges against Mr. Hastings. If the treaty were to be gone through entirely before they entered on the discussion of any other business, the affairs of Mr. Hastings might be referred, so far as he could judge, *ad calendas græcas*; for he understood that there were now above three thousand different resolutions preparing for the House to digest; and he supposed that, during the progress of the business, the Minister would just bring in about half a dozen bills each day, and have them read a third time, for the sake of expediting a matter, which he held to be of such importance. He must remind him, however, that he could not, from past experience, flatter himself with the hopes of passing the bill over so glibly, as in every stage it was liable to meet with opposition.

Mr. Pelham. Mr. Pelham observed, that he knew not whether it was in the recollection of gentlemen, that his right honourable friend (Mr. Burke) had given notice that he should take an opportunity of moving for the attendance of Nathaniel Middleton, Esq. and Sir Elijah Impey, at the bar of the House, upon the immediately ensuing day. As his right honourable friend was absent, he should now beg leave to introduce a motion similar in its nature.

Mr. Chancellor Pitt. Mr. Chancellor Pitt answered, that he must object to the motion, should it interfere with the business before the Committee. If they did not pass the resolution, for which he meant to move during the evening, but adjourned their discussion, he could not agree to any business being proposed which might impede the determination of what he should have the honour of proposing for their consideration. But if the said resolutions did pass before the Committee should adjourn, he then should not have the least objection to the motion.

Mr. Pelham's motion was deferred.

The question was then put for the Speaker's leaving the Chair, which being agreed, the House immediately resolved itself into a Committee on the commercial treaty.

Mr. Beaufoy having taken the chair,

Mr. Chancellor Pitt. Mr. Chancellor Pitt remarked, that as he had said so much on a former day on the general principle of the bill, he did not conceive it necessary that he should trouble the Committee

mittee with any further observations. He had, therefore, simply to move; That it be the opinion of the Committee that they should lower the duties on French wines, to what was now paid on the importation of Portugal wines. This motion being seconded,

Mr. *Flood* now rose and said, that when he considered how Mr. Flood, great a portion of the day had been consumed in the discussion of various points, he felt himself in some degree impelled to wave at present, the intrusion of his sentiments upon the patient hearing of the Committee; yet, under the conviction that the subject which the right honourable gentleman (Mr. Pitt) had just offered to their investigation was a of nature infinitely too important not to challenge their most serious attention, he should beg leave to avail himself of their indulgence, whilst he delivered his own sentiments, in the fullest disposition. to pay all proper deference to those of others. He would endeavour to state his reasons against the policy and principle of the treaty, in as brief a manner as the nature of the subject would admit.—His first and chief objection to the treaty was, its being contrary to every principle of policy which former ages had adopted, which the present should preserve, and which he had trusted, the future would always require. He should consider it as an indispensably leading principle that England and France are naturally and invariably rivals. This principle must continue to operate so long as Britain maintains the character which she has hitherto supported, of guardian of the liberties of Europe. When she is content to resign this glorious distinction, she may enter into as close bonds of amity with France as she thinks proper; and he feared that the relinquishing of Portugal was a symptom which prognosticated the sacrifice of that distinction. In support of this he would adduce an argument which was and would be always great with this country, and should be omnipotent with the right honourable member (Mr. Pitt.) He meant an argument of the most respectable authority; that which most men revered; that used by his great father (the Earl of Chatham) the illustrious minister of this country, when he refused agreeing to the establishment of the family compact in the year 1762, and resigned in consequence of the rest of His Majesty's Council approving of the measure. His words were, That he had a rooted jealousy, a fixed antipathy, and an unalterable alienation of mind towards France, and that France and England were not merely rivals in commerce, but rival potentates. Now added Mr. Flood, if they are already rivals, how must that rivalry be increased by a mutual emulation in commerce!—for nothing excites more jealousy among nations than commercial advantage.

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This ancient rivalship, or animosity, call it which you please, will therefore rather be increased than extenuated by the commercial treaty.—The treaty, if good for both, can really be so to neither—so far, at least, as respects themselves. With regard to other countries, indeed, the consequence of both may be diminished. If equal in point of commercial advantage, the treaty cannot be very desirable; nor can it be desirable to us, unless it be greatly in favour of England; and that from the acknowledged policy of the French court, is more than the most sanguine patriot could hope for. We have often beaten the French in the field; but it has never yet been known, that we have gotten the better of them in the Cabinet.—This connection with us, that sagacious people had frequently coveted; and had sometimes succeeded in acquiring. It was unnecessary to go back to history, or to recapitulate minutely the advantages which they gained under Charles the Second and his brother, of their subsequent disappointment in the shutting up of the ports, by King William. This, however, would appear from such a research, that they had fastened on every opportunity of procuring this intercourse with England. The attempt was very near being successful in Queen Anne's reign, but was prevented by the wisdom of Parliament. They had afterwards attempted it in 1762; and since that in 1783. Thus what the French have been eagerly grasping at for the course of a whole century, we are throwing to them in a minute, with the facility of children. Nor was it without reason, that they bent their utmost endeavours to obtain this intercourse with England. Whilst the ports of the two nations were open to each other, the balance of trade was uniformly against us. This may be denied, as in fact it has been, but though falsehood may have its effects for a time, yet the impudence, or arrogance of an unprincipled individual cannot have power enough long to controvert the opinions, or support itself against the experience of a whole age. But it may be argued, with an air of plausibility, that the principle which was erroneous then, may not be so now. Inapplicable indeed is this argument to the comparative condition of France. In what points of view that eminently superior statesman, his exalted father had considered the rival powers of England and of France, the right honourable gentleman who now presided over the government of affairs must well remember. Who could then expect to see a system so repugnant to his principles adopted by the son? But to shew that the end of this treaty with France, this treaty of friendship, harmony, and confidence, was absurd and impracticable, he should state as briefly as possible his reasons. In doing this, all repetitions he would

most carefully avoid. He should not therefore, repeat, that every attempt to open a commerce with France had proved abortive. He should not press the remark already made that James the Second had opened our ports, and that William had dammed them up again. He should not repeat, that every treaty we had formed with this rival served but to convince us of its being impracticable to form a permanent intercourse of friendship and mutual reciprocity. But whence came it that we had now this assurance of her affection towards this country? How long had she shewn this liberal sentiment towards Great Britain? In what was it displayed? Was it in the usurpation of Corsica, or in her political intrigues against our interest and alliance with Holland? Or was it in her assistance of America, by which we were dismembered of that part of our empire? If she entertained this kind intention towards a liberal union of commercial interests with Great Britain, it would certainly have been displayed. He saw no signs of friendship in her behaviour towards this or any other country. Her principle of policy was to hold the sceptre of Europe: and what had prevented her from this object of her ambition but the power of Great Britain? shall we then resign a power which has preserved the liberties of Europe, by controlling her schemes of universal monarchy? Is it consistent with that policy which causes all Europe to depend on us for their protection, against the intrigues, ambition, and encroachments of France, to think of depending on her assumed friendship? This was not the policy of Queen Elizabeth, who raised the power and glory of this country to that height, as to render it the sole arbiter and protector of Europe. She, when our resources were infantine, our commerce but just expanding, its various branches, and our national spirit arousing itself from the languor of preceding reigns, did not think of establishing her glory on a commercial alliance with France. She considered this country as her rival in consequence, and therefore sought those means of power in foreign commerce whenever it could be obtained. And the same principle which actuated this great Queen, actuated likewise that usurper, as he may be called, Oliver Cromwell. Although he did not enter into any offensive wars against France, he did not think it consistent with the political consequence and situation of this country relatively to other European States, to form any commercial alliance with this aspiring power.

Several particulars of relative commerce between the two nations, were worthy of the present consideration of the Committee. During the reign of Louis the fourteenth, and under the administration of Colbert, were manufactures introduced into that kingdom. They have been since continually

nually increasing, and if they were formidable then, what must they be at the present moment? If our manufactures have improved, why should not those of France have advanced likewise in improvement? It has been asserted, that France is a country of natural produce, England of artificial manufacture. But this is not exactly the case. She is not merely a country of produce alone, but, also, of manufacture. She supplied all her own inhabitants, and many others of neighbouring countries. With regard to the idea or argument which had been used, of Great Britain enjoying a market, by virtue of this treaty, containing twenty-four millions, while France only could acquire from it a market containing eight millions, he could not perceive its force or propriety. When two markets were opened to each other, it should be considered and established upon the most clear and indisputable evidence of reciprocity. But was this the circumstance of the present treaty? Where was the reciprocity? It was impossible that any reciprocity of commercial interests should subsist between Great Britain and France: they were too near each other. From the similarity of their climates, their wants must be too similar to admit of any extension of market. For the only means wherein two nations could benefit each other by treaty, were, when their wants become dissimilar, and thus could take from each mutually what might increase the labour of their people, and accommodate themselves—But this was not to be said of the situation between France and Great Britain. Their manufactures were nearly the same. Had they not one hundred towns now employed in the woollen manufactory? Had they not considerable iron works? Were they not establishing with all possible expedition and encouragement the manufactory of cottons? And would they not be able to rival us in the purchase of the raw material in Asia, from the assistance and perhaps the connivance of the Dutch? And what were we to take chiefly from them? We were to take from them their wines and olives, and for which he could not perceive the least prospect of their taking any of our manufactures in return. For most of our manufactures they had already in great forwardness and perfection. It had been argued, that their wines, brandies, and olives were luxuries, for which we should necessarily send in return our manufactures, to the great extension of the employment of our citizens, the emolument of our merchants, and the increase of our revenue. This argument he could not admit. For the produce of wines and olives in France were such as would greatly give to her the advantage in this commercial intercourse. From her climate, she possessed a physical monopoly of these articles. And as we were now agreeing to diminish the duties

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on them, we were opening a market for commodities, which would drain us of a considerable quantity of bullion. Our manufactures were such as she mostly manufactured herself, and therefore it could not be supposed but we must pay in specie a great portion of the amount which we imported from her of these luxuries. As to the number of inhabitants in France being three times more than those of Great Britain, this could not be any argument to prove that we had the least advantage in the treaty. The question was not which country had the greater number of people—it was whether eight millions in Great Britain did not consume more clothes and merchandize than twenty-four millions did in France? And was not this most likely to be the fact? It was well known which was the most luxurious nation. If therefore, we consumed more than France, admitting the reciprocity in every other consideration of the treaty, yet in this particular it was obviously to our disadvantage. With respect to our serving each other mutually, France enjoyed an opportunity which would always render our hopes abortive. The Court and fashion there were such as to enable her at any time to suspend the consumption of our manufactures, and to increase their own. We might, therefore, make treaties with a view to reciprocity, but the idea was absurd. She had always, by the means of her Court and fashion, the power of causing her own manufactures to be worn instead of those of any other nation whatever; and while she possessed it, she would never forego its exercise in her favour.

The impolicy of seeking a foreign market, which was always uncertain, while we possessed a home consumption, which nothing could possibly diminish—except a diminution of our credit, and the emigration of our manufacturers, was a subject which naturally led him to state, that the average of our exportation of corn, notwithstanding the bounties given for its encouragement, was only in the proportion of one to 32 with regard to our own consumption. He remarked this to shew how inconsiderable our exports were of this article on which a bounty was allowed, when compared to what we consumed at home. But he yet farther observed, that the average calculation of our annual exports had been from 88,000,000*l.* to 90,000,000*l.* And if these exports bore the same proportion to what our home market required, as the export of corn did to its consumption in Great Britain, how inconsiderable must be our own market! But, admitting that we consumed ten times more instead of thirty one times, what an astonishing resource of trade this evidently proved that we possessed in ourselves! Was it then wise to admit a rival to the participation of a market so considerable—a market which had supplied us with many resources for war

that scarcely any nation could boast beside our own? Adverting to the system of colonizing, to shew that the principle was merely to establish monopolies for our own trade, Mr. Flood observed, that in all commercial treaties with foreign powers, the policy was to acquire as many of these in your favour as you possibly could, and to diminish, if possible, those with whom you were in treaty.

To think of entering into a negotiation of mutual and commercial intercourse with a rival was, therefore, the most absurd and chimerical scheme that ever was adopted. Such was the nature of two rival powers, that it was impossible but one must have the advantage of the other in all treaties of this nature. And that nation would have the advantage which was the poorest and the most abstemious. Which was the richest and most luxurious, was too evident to require him to declare. Would not France, he asked, with her wines, brandies, and olives, draw from us our specie in proportion to her wants and our own superiority in wealth? She certainly would, and therefore we should find ourselves not only supplanted in our resources for wealth, but drained of the remaining specie we had to support our credit. With respect to credit, he stated, that France certainly possessed less credit than we did. The trade in which France engaged was not by any means to that extent of capital on which we conducted our commerce. Our paper and credit enabled us to transact such a portion of trade, as was, he believed, unexampled in every other nation. We should therefore, be very cautious of entering into any negotiation which might tend to drain us of that portion of specie indispensably necessary to preserve our credit from being diminished. This was a consequence he was apprehensive would follow from the treaty. As it was a fact that the poorer nation would always drain from the richest in all commercial intercourses, France must ultimately diminish our specie and increase her own. These were objects which pressed immediately upon his apprehension. Not that he was apt to despond. He knew that the resources of this country had been found inexhaustible. Being able to defend herself against such a combination of powers as she had lately resisted from the aid of these resources, must convince every one of her native vigour. And yet, we spoke of treaties as if they were to give an almost endless permanency to peace. The idea of rendering peace durable by entering into a commercial treaty with France, was, as experience proved, a false suggestion. If we agreed with France at home, she would fortify in Asia. We made a treaty of alliance with Holland, and in the same year the massacre at Amboyna was perpetrated. Our conduct was most unaccountable. Had we on a sudden forgot-

ten our old prejudices, and our well-grounded jealousy of France? or had France abandoned her ambition, and clothed herself in the garb of humility? Was it owing to a cause which he dared not name? All Europe were beholding us with astonishment, and wondering what could have induced us to give up the glorious character which had preserved our liberties. In the course of the last war, we had exhibited a scene which excited the admiration of the world—resources beyond all conception—firmness and valour beyond all example—wherever danger challenged, we presented our front to it—often harrassed, but never ruined. It seemed as if nothing but the thunderbolt of heaven could accomplish our annihilation. With respect to what had been observed by the right honourable gentleman (Mr. Pitt) that the merchants and manufacturers of the country had not given any specific objection to the treaty, he had only to controvert this assertion, by producing what they had actually said against it upon oath. Much had been contended for in favour of the treaty, from the supposed silence of the manufacturers. But these men could not oppose the treaty, till it was offered to them in a complete state; and this could not be the case before the convention was concluded. As men of business, time was necessary for them after this; and as to the smallness of the number who are said to have declared against the treaty, that should not be adduced as an argument; for the Chamber of Manufacturers was a representative body, and acted for a vast number of persons. They only desire time for themselves to deliberate, and in the same moment advise you to take it.—There is no occasion therefore, to hurry on this business from the silence of the manufacturers.—They have in reality spoken out in the most emphatic way—in the treaty with Ireland! Till they should come to the bar of the House, and retract what they had said, he declared that he should consider them as having delivered their sentiments on the commercial treaty. They had predicted infinite losses from the removal of the trade from this country; now, if they should retract, it would be curious to consider on what ground they would withdraw. Would it be, because France is a great manufacturing country, and Ireland not? Because she is full of inhabitants, and Ireland comparatively desolate? Would it be because France is a country rich in its produce, and Ireland almost barren? Or, if benefit is to be derived from the treaty, were they apprehensive that Ireland would have it, while they entertain no such uncharitable scruples in regard to France? He would ask the woollen draper, if France has not an hundred towns in that manufactory, for one that Ireland has; and whether she has not undersold this country in foreign markets, which Ireland never so much as attempted?

He would ask what natural advantages Ireland has, that should give such an alarm to England, while she participates with France all her benefits without apprehension. Is it her wines and olives, or the physical monopoly of her climate; for all which she ought to get the most luxurious and opulent customers? Another commercial advantage to France, is in the nature of her tribunal, compared with ours; and in the disposition of the people. Here people will have what they long for, however detrimental the consumption may be to the country. But in France, besides the law of the realm, there is (as was observed before) the restraining law of the court, and the mode. It is curious (said Mr. Flood) to observe how arguments are varied, and facts opposed, to answer various and opposite purposes. At one time, France cannot rival us in our manufactures, because she is poor; at another it is said, we must derive great advantages from our trade with her, because she is rich. But if France is rich, England is more so, more expensive and luxurious. This might render it dangerous for us to part with our cautionary laws. By protecting our trade, we preserved and increased it for more than a century. Spain, on the contrary, by neglecting protecting duties, had lost her trade, and ruined her finances. How much more easily might the same cause produce the same effect with us, who have not the same resources in the mines of Peru, of Mexico, of Chili and Potosi. The great object of a nation should be to supply herself. Two bordering countries can seldom supply each other with advantage. Their wants and their superfluities have too great a similarity. France could furnish us with nothing but luxuries; and he would venture to assert, that with no nation could we maintain a less useful commerce. Upon this subject, he should repeat his questions. Had not the manufacturers at the bar of that House given their evidence on oath against the treaty with Ireland? Was not their evidence then sufficient to prove that the present treaty must be destructive to their interests. If a commercial treaty with Ireland was thought to be so destructive to the trading interest of this country, what must it be with one that has five times her credit, and eight times her population, and forty times her capital? Did they not prove that it would tend to their inconvenience at the bar of the House? Have they denied any of the evidence they then stated? Or have they intimated their wishes to retract what they have said on that occasion? If they have, I should wish to see them admitted to the bar of the House. I would then ask them on what principle they could agree to suffer France, a rival with so considerable a capital, to participate in their markets, when they refused Ireland, a country without money or artificers, the enjoyment of this privilege? I would ask

ask them why they did not fear the removing of their manufactories to France when they did to Ireland? I would ask them why they were not apprehensive of being rivalled in all their foreign markets by France from this treaty, when they dreaded so much the power of Ireland, where neither property, resource, or commerce in any degree existed to excite such alarms, alluding to the injustice of not granting to Ireland those advantages which this treaty had given to France. Mr. Flood condemned greatly the conduct of Mr. Eden, who had been an opposer of the treaty with Ireland, and the negotiator of this treaty with France. If it were unsafe or impolitic to grant commercial benefits to Ireland, the danger must be still greater to grant them to a rival, who would derive from these advantages the power of increasing her own resources and impoverishing ours. But if this treaty was to be defended on principles of policy and expediency, it must be condemned in every principle of justice, with regard to giving such participations of trade to her, and denying them to Ireland. Here he took an opportunity of stating the stipulations, on which these advantages were proposed to Ireland. By the propositions it was stipulated that Great Britain should monopolize great part of Asia, all Africa, a considerable portion of the West India Islands, no small share of America, and as large a degree of Europe. Such were the stipulations in favour of Great Britain, and yet the right honourable gentleman (Mr. Eden) who was the negotiator of the present treaty, had been the steady opponent of these propositions. Whence did it arise that this negotiator could dare to open our markets to France, with scarcely one stipulation in our favour, after he had so strenuously opposed the treaty with Ireland, in which we had preserved our monopolies in every part of the globe? Having thus considered its relation to the Irish propositions, and having argued it, both in a political and commercial view, he proceeded to view it in its relation to other nations.

Impolitic was it to lose an opportunity of making an alliance with Portugal; a country from whence we had derived so many and essential advantages. By this commercial treaty, the moment Parliament should have finally given it their sanction, the Methuen treaty must become destroyed; for the principle of that treaty, namely,—admitting the wines of Portugal one-third under those of France, — had no longer an existence if the duties on French wines were reduced to the present duties on those of Portugal. It was true, he admitted, that by lowering the duties one third on Portugal wines afterwards, the treaty might be renewed. But, to be obliged in consequence of this commercial treaty to admit wines from France on the same terms as those of Portugal, would

would be evincing that you had abandoned that principle of policy which had been the cement of your alliance with that country. Would she not, therefore consider, that the inducement no longer existed which had been the cause of your long and prosperous friendship? This would certainly be a great obstacle to her desires to enter into treaty with you again. Besides, you had resigned the advantage you before possessed of almost commanding the renewal of the treaty. This commercial alliance with France must convince Portugal, that you had abandoned every principle of policy which had been her best defence against superior and neighbouring powers.—Therefore, that which tempted her to court your protection by so advantageous an alliance no longer existing, you could not expect that she would hasten to renew it. If she did, it might be possibly on terms much more advantageous to herself and detrimental to you. After stating these particulars respecting Portugal, he adverted to Spain. He mentioned the renewal of the family compact by this treaty, and for no other stipulation than that of having the privilege of lowering the duties on Portugal wines one third below those of France. What were the advantages to be expected from this concession? Were they not merely ideal? They were visionary. If you did not renew the treaty with Portugal, you had agreed to receive the luxury of a country for which you must give in great part your bullion, and had agreed to to the revival of a compact which destroyed all the former privileges you possessed, not only in France, but in Spain, before this treaty was negotiated. He observed that to abandon allies who were experienced to have been so serviceable in their friendship, for speculations of commercial intercourse with those whom nature, policy, and religion, must unavoidably continue our secret if not our avowed enemies, was the most ridiculous conduct that ever could be adopted in the government of a country.

The favours of Spain, France by this treaty had secured. She would possess every advantage which we might otherwise have enjoyed. Those articles which were so indispensably necessary to our manufactures we should no longer be certain of importing. The re-establishment of the family compact would be the greatest accession to France in the importation of fine wool particularly, and the greatest disadvantage to us from the loss of this invaluable raw material. Stating thus his view of the tendency of the commercial treaty, considered in its relation to other countries, he advised the Committee to delay any farther proceeding until they could form their opinions on its merits. Surely what the manufacturers asked in their petition was not so unreasonable. They did not ask Parliament to adopt any opinion. They only wished that they
would

would suspend their decision until more information could be obtained on the subject. This was not the voice of impertinent embarrassment; it was the respectable voice of supplication that Parliament would suspend their operations in a measure, when they consider that their interests were so deeply and most interestingly involved.—Mr. Flood apologizing for the length of his remarks, added, that it was much more agreeable to him to forego any personal reputation which he might acquire in the exercise of his duty, than for a moment to engage the attention of the Committee with a single sentence extraneous to the subject. But he had uttered these sentiments solely from a desire to state to the Committee what he conceived sufficient reasons for his voting against the whole principle of the bill. It appeared to him founded on the most absurd policy which had ever entered into the conception of man. It destroyed all the principles of policy which had directed the commerce, navigation, and alliances of the country. Did it not tend to subvert every support which we derived from the dependence of European states on our power? Their dependence gave us the support of the connections which they were desirous to form with a nation whom they considered as the guardian of their political existence. From this conduct and character, we had drawn all our greatness. From the war of 1688 until the present period, we had always been successful from our own commercial consumption at home, and our alliances abroad. But these means would, by this treaty, be all forfeited. We should lose all our character and consequence in the opinion of all Europe. No longer should we be considered, as we had been, the guardians of their liberties. Is there any one reason then in favour of this treaty? View it in a political, commercial, and relative situation to other countries, and you find it fraught with destruction to all our former glories, and our present greatness. No part of our acquired prosperity but it threatens with rapid and immediate annihilation. It commands you to recede from every other European friend, and to bury yourself in the embraces of France, your ever unalterable enemy. Who formed this negociation? Would they have asked him to withdraw the pillars which had been the support of the nation's glory? No! he should answer. Would they ask him to repeal the Revolution? No! The treaty was hurried through the House. It was fraught with so much danger to the state, policy, and constitution, that he begged they would delay the proceeding until the manufacturers of the country could be apprized of its real nature and tendency. He was assured that they were men of the greatest knowledge and respectability, and certainly, of all others, the most capable of informing the House of the real merits and tendency of the treaty:

treaty: and without this consultation of their opinions, he thought that if the treaty passed, the most alarming and destructive consequences must ensue to this country. In conclusion, Mr. Flood remarked that he was resolved to meet every principle of the treaty with his dissenting vote.

Mr. Wil-
berforce.

Mr. *Wilberforce* said, he would rise and deliver his sentiments to the House, however sensible that he must appear to no small disadvantage after the great eloquence and ability of the right honourable gentlemen who had preceded him; yet he confessed that the right honourable gentleman's speech had failed of producing conviction in his mind, which might probably be, because he had hinted at proving propositions, to the proof of which no abilities whatever were equal; besides, that if the honourable gentleman's arguments against the treaty were sometimes powerful, he had taken off their effects by supplying the answers to them himself. Mr. *Wilberforce* then pointed out, as he conceived, several inconsistencies in Mr. Flood's arguments; as that the treaty was objectionable, because tending to harmony between us and France, of which we ought always to consider ourselves as the natural and jealous rivals, and yet saying at the same time that it would be in vain for us to hope by a commercial connection to extinguish the spirit of animosity, adducing the instances of the Dutch at Amboyna in support of the assertion, and contending that the competition of trade would foment the national principle of rivalry. The right honourable gentleman maintained, that France supplied herself with manufactures, and yet spoke in another place of the goods we smuggled into that country;—that we should not attempt to enter into trade with an inimical power, yet spoke of the value of the Spanish trade to us, though acknowledging France was always sure of her. But the honourable gentleman had rested much on the opinion of the manufacturers being contrary to the treaty: this Mr. *Wilberforce* declared, however, he knew not to be the case; they were almost universally favourable to it; nor was the state of things the same as in the instance of the Irish propositions; nor were the arguments applicable which had been urged against that measure; the great apprehension then was, that Irish manufacturers would be set to work with English capital, but in the present case there could be no such ground of apprehension; besides the reluctance every Englishman would feel at living under a despotic government, and trusting his property to the arbitrary and uncertain determinations, and principles of a French tribunal, (arguments of which the honourable gentleman himself had admitted the force, though not then aware of the conclusion) would they be likely to erect those expensive works, and construct those machines which were necessary in carrying on the great manufactures

nufactures when the treaty was made but for a term of twelve years? This shortness of the term of its duration, was a complete answer to this and many other arguments that were urged against it; for that term manufactures were as permanent and durable an article of supply as produce, though much had been said of the disadvantages attending an intercourse between two countries, when the one furnished the fruits of the earth, a constant produce, whilst that of the other was variable and transitory, as manufacturers were ever shifting from place to place. Mr. Wilberforce said, the right honourable gentleman had made great use of the figure of speech called the dilemma, and he must say, he thought the right honourable gentleman had involved himself in one, by making it necessary for him either to give up his arguments or his vote. Mr. Wilberforce then answered other arguments which had been urged against the treaty; the appeals that had been made to experience, which, however, could only be fairly consulted by observing wherein the cases were parallel, and only so far as they were so, to a similar conclusion. A commercial intercourse with France had, it was said, been formerly unfavourable to this country; but then it must be recollected, our woollens were excluded from their markets by prohibitory duties, most of our capital branches of manufactures were then either in their infancy or wholly unknown whilst they had the liberty of bringing in their silks, which were now prohibited, and their linens which our linen manufacturers were now not afraid of meeting in our market. Not to mention that all the connection with France was then a matter of just alarm, when from the inclination of the Court the most serious dread was universally prevalent, both for our civil and religious liberties; when every well-wisher to both knew the danger that surrounded us, and was anxious to preserve the protestant succession, and resist the claim of the Pretender to the Throne. Mr. Wilberforce then gave many reasons why he thought the treaty would be advantageous to this country, both in a financial, commercial, and political view, adding, that this seemed of all others the most proper time to make it, when the French were resolving to exclude our manufactures, and set them up for themselves; for we made it unlikely that our manufacturers would go over to their assistance, by finding them new work at home, and took away much of the spur to French industry, by supplying them with our articles in a more perfect and finished state than they could hope at first to produce by their own efforts. Mr. Wilberforce congratulated also every friend to the happiness of mankind, on the permission that was now granted of the free exercise of the Protestant religion in France, which, he hoped, would tend to introduce a spirit of general toleration

and good will. He confessed, however, that the most pleasing view he had of the treaty, was in the tendency which he hoped it would have to check those ruinous and destructive contentions between the two countries, by making the preservation of an harmonious intercourse the mutual interest of both; not that we ought blindly to rush into their embraces as the right honourable gentleman had said; he would have us still watchful, but he would have us maintain the caution of jealousy, without the folly and extravagance of that passion. Much had been said on a former day, of forming alliances, of the balance of power, of its being the policy of this country always to set up itself in opposition to that state, whatever it might be, which was for the time the leading one in Europe. This principle, as far as it had been acted upon, had, he would allow, administered to our glory, and made us splendid in the page of history; but he wished the country and the House of Commons would at length learn that important lesson, that the greatness and happiness of a people were not the same. Impressed with this truth, it was with pain he had heard the right honourable gentleman appeal to the ambitious feelings of the House the preceding evening, though he confessed the power of his eloquence was such, that he found it necessary to keep his principle steadily in view, that he might not be seduced by it. The true policy of Great Britain was, by a strict attention to the internal resources, the morals and manners of the people, to endeavour to make herself at once happy and respectable; we should attend to our navy, the true source of our strength, and of the best sort of strength, the defensive; foreign connections would often lead us into quarrels, nor were they altogether so easy to be formed as negociators might flatter themselves; of this the right honourable gentleman himself might afford an example, who did not find the sanguine expectations could be realized, which he had excited in the instances of Holland and America;—and he might also be adduced as an instance, that alliances or confederacies, or coalitions, or whatever they might be named, between great powers, were not always productive of the good effects which had been hoped from them; but to be serious, if the right honourable gentleman's system had made us often reap the laurels of victory, and he feared and looked up to the fields of glory, and the cabinets of princes, yet had it not loaded us with 250 millions of debt, had it not laid us under the necessity of abridging of his comforts every cottager in the kingdom; and what were the feelings of the poor creature who, with his windows stopped up, with scarce food to eat, or a house to live in, by the miserable light of a candle he could scarce afford to burn, was to be compensated for all his distress, by reading over a speech of the right honourable

nourable

nourable gentleman, in which he was dignified by the honourable appellation of the adjuster of the balance of power, and guardian of the liberties of Europe? Mr. Wilberforce concluded by observing, that this was not one of those questions on which gentlemen might suffer their personal predilections either for or against a minister, to operate in determining their vote; it was by far too important a one for motives like these to be attended to. They should have no weight with him; it was his firm conviction, that in supporting the measure he was giving an unbiassed support to a proposition which was for the good and happiness of the country, and it gave him particular pleasure to be able to say, that whilst he was acting in conformity with the dictates of his own conscience, he was voting agreeable to the general wishes of his constituents.

Mr. *Flood* denied having contradicted himself, and re-stated Mr. Flood. what his argument had been, in the particulars pointed out, as contradictory. With regard to the manufacturers' opinions, he had said, the evidence they had given on the Irish propositions was such, as made it perfectly fair for him to take advantage of it, and to assume upon that warrant, that the manufacturers did not approve of the treaty.—The honourable gentleman asserted, that the manufacturers did approve of it. What is that, said Mr. Flood, but the honourable gentleman's assertion? and it contradicts mine. The honourable gentleman therefore has contradicted me, but does it follow that I have contradicted myself? The honourable gentleman had complained of his holding a dialogue when there was neither of the parties present to answer him. He begged to know whose fault that was? He wanted to have the manufacturers at the bar to hear them deliver their opinions, and the honourable gentlemen would not let them come. For his part, he should have been peculiarly happy to have seen the gentlemen, because he had often known an eloquent member of Parliament, in a fine speech, say that for a manufacturer, which he would not when present say for himself. With regard to the right honourable gentleman who had made the treaty, he had not sent him to Paris, and had much rather have seen him there, as he knew of nothing so formidable about his abilities, as to make him at all afraid of coping with him. Mr. Flood paid Mr. Wilberforce some compliments, but begged that he would not be too prone to charge him with contradicting himself, and with errors and mistakes; and more especially when he put his country in contact with the charge which he thought proper to urge against him. The honourable gentleman (said Mr. Flood in his conclusion) talks as if this treaty was to make man more moral, more religious, and more exemplary. Are we then to expect a cargo

of missionaries from the continent? But if it will increase the morality of the people, the religion of the country, the honesty of our tradesmen, he should indeed say it was the best treaty that ever was negotiated.

Mr. Fox.

Mr. Fox remarked that he felt the necessity of rising to vindicate himself from the insinuations which the honourable gentleman opposite to him (Mr. Wilberforce) had been pleased to throw out against him personally. With regard to what he had stated concerning the peace with America, he would give him the same answer on that subject which he had always done; and this would be a flat denial. With respect to the negotiation with the Dutch, if there was any blame to be affixed to that measure, he was willing to take his share of it, though it had been done with the unanimous consent of his Majesty's Council. That it failed he did not pretend to deny, and its failure (he verily believed) was owing to the influence of France. On that subject, however, he would say no more, as he could not see the local connection between it and the French treaty, though the honourable gentleman seemed to consider it as a strong argument in his favour. That honourable gentleman had stated, in the meekness of his nature, that he dreamt not of power, nor did he wish to tread the paths of ambition; but immediately afterwards, he has a vision, which tells him that the navy of Great Britain must be kept up; and then he draws a very affecting picture of the distresses of poor cottagers groaning under the accumulated weight of taxes. This was, no doubt, a very ingenious mode of captivating the vulgar; but he would ask the honourable gentleman how the navy was to be supported without taxing the subject? or how would the visions of the honourable gentleman be realized without a great expence to the nation? But the honourable gentleman has the admirable talent of making attacks under the shield of modesty. Was this country then not in a situation to take a part in preserving the liberties of Europe? Was she so sunk in distress as to consider herself inadequate to the preservation of that to which she owed her existence, and her rank among the nations of Europe? Did the honourable gentleman mean to hold that language to the world? For his own part, he would tell the poorest cottager in the kingdom, that he had an interest in the safety of the state, and consequently in the balance of the power of Europe. The existence of Britain depended on supporting that balance, for without that she could not prosper herself; and to the preservation of the public credit, the happiness of the people must in some measure be sacrificed. Shameful was the neglect which ministers had shewn in the formation of alliances. Till that unhappy period when we were left without ally, we had always fought successfully.

From

From that, however, he did not mean to contend that it was better to build our hopes on the strength of our alliances than on the strength of our navy. He was aware of the difficulty which attended negociations of that nature; but he asserted, that ministers were culpable in turning away with impatience from any object which they might have attained, had they pursued it with persevering firmness.

Mr. Dundas remarked, that there was scarcely a single argument relative to the situation in which this country had stood for many years back with respect to the other powers, that he was not ready to adopt; but he must call upon the right honourable gentleman for an explanation in what manner those arguments could be brought to bear upon the present treaty. He could not see what relation they had to it, being fully satisfied that there was nothing in the treaty, which in the smallest degree tended to throw a difficulty either in the way of this country's taking any political part against France which she thought proper, or of entering into an alliance with any other power. What was the treaty but a measure calculated to enable her to circulate the manufactures of her own artizans in ten times a greater degree than ever she could do heretofore, by opening to her one of the most extensive markets in the world; and in doing so, where was the danger? Her own market she was sure of, and whatever might be said of the probability of its being wrested out of her hands by France having the power of importing her manufactures, the high protecting duties rendered such a matter impracticable. Mr. Dundas declared, that the proportion in which the commerce of the country would be increased was beyond all conception; thus, instead of the British capital being, as the honourable member had stated on Monday, conveyed to France, and there lodged, to the great inconvenience of Great Britain in case of a sudden war, it would be turned much oftener than before, and the profits would be multiplied and increased in proportion. The honourable gentleman who had started the difficulty which he had just mentioned, had in the course of his speech objected two different ways, and he wished him therefore to reconcile the contradiction. He had talked of the British capital being conveyed into French hands in one part of his speech, and of the British glass manufactory and cotton manufactory being nearly ruined in consequence of the duties upon the importation of those articles from France being too low to protect our manufactories. Mr. Dundas contended, that it was wise in this country during a time of peace to take advantage of the circumstance, and by extending our commerce to fill the coffers of the State. He commended the good sense of an argument on Monday night, when a right honourable

nourable gentleman (Mr. Grenville) had recommended an alliance with her own manufacturers as the best alliance which Great Britain could form, and that most likely to enable her to be ready for war, whenever war should be inevitable. He should not be afraid of saying to a French minister, "If you want to make war with this country, begin when you please and where you please; if in the East, you will find an army ready and a full treasury; the same in the West, and the same in Europe." In fact, the point Great Britain should now aim at, was to reduce her debt and fill her coffers; she would then be able to subsidize allies and sustain the charge of every needful preparation.

Mr. Powys. Mr. *Powys* rose to explain the points of his former speech, which had been animadverted upon by Mr. Dundas. He said, he had risen at so late an hour on Monday, that he had barely stated the outlines of the matters which struck him upon the treaty. Mr. Powys then recapitulated what he had said relative to the injury which he feared the glass and cotton manufactories would sustain, and his doubt whether a great part of the British capital would not be transferred over to France, and upon a sudden emergency be felt as a material inconvenience by this country. In answer to Mr. Wilberforce's address to him as a country gentleman, Mr. Powys said, the country gentleman who should govern his public conduct by mere considerations of private interest, was a miserable animal indeed: no impression arising from the circumstance of the land tax being 4s. in the pound, or even more, should induce him to vote, upon a matter of great public importance, differently from what he conscientiously believed would be most for the good of the country; it was upon that impulse that he had voted against the resolution of Monday, and the same motive would direct his vote that night.

Mr. Drake. Mr. *Drake* confessed, that he felt himself disposed on all occasions to give his support to the executive government, when he supposed that their intentions were good. On the present occasion he was convinced that they acted from the purest patriotism; and that if in the course of the investigation of the business they should find it against the interests of their country to enter into a commercial alliance with France, they would recede from the proposition. However he might vote on the occasion, he begged to be understood, that he did not pledge himself to give his concurrence to the final question. The treaty of Utrecht, he observed, had undergone the same kind of discussion with the present, and it was at last thrown out on the motion for the ingrossment of the bill. He concluded with exclaiming, "Blessed are the peace-makers and the peace-preservers."

Mr.

Mr. Alderman *Watson* rose to say a few words upon the commercial treaty, and principally to call the attention of the Committee to the state of our trade. In the year 1677 we had but one vessel with lingering sails, a single solitary bottom, that went to the Baltic; in 1786 we had several hundred sail, with a vast number to Greenland; Mr. Watson commented on this difference, and argued that it proved in how flourishing a state the trade of this country now was, and that it at the same time shewed, how cautious we should be in taking any step which might affect it. The alderman suggested that France and America were in connection, and that the latter sent her produce to France and was supported from France; France therefore, by the commercial treaty with Great Britain, might enable herself to fulfill all her American commissions at the expence of British credit. He declared, that this was a serious consideration, and although he generally voted with the right honourable gentleman at the head of the treasury, the right honourable gentleman must excuse him, if on a business of so much importance he thought the matter merited more than common attention, and when voted as upon deliberation appeared to be most beneficial to the country.

Mr. *Drake* spoke in explanation, and declared that he should vote *pro bono publico*.

Mr. *Huffey* professed to have been a good deal impressed with the fact stated by Mr. Alderman Watson relative to the violent contrast between the situation of our trade to the Baltick and the North seas in 1677 and 1786. He recommended the consideration of that fact, and of the rest of the worthy alderman's speech, to the serious attention of the Chancellor of the Exchequer. Mr. Huffey declared, that he had heard a right honourable gentleman (Mr. Flood) with great pleasure, but he believed that his statement of the exceeding of the exports over our imports was not put quite so strongly for the right honourable gentleman's argument as it ought to have been; for instead of two out of thirty-two it was scarcely two out of forty-five. Mr. Huffey said, that he should vote against the treaty, because he feared that it would produce evil and not advantage to the country.

Mr. *Fox* observed, that the circumstance which was very natural to happen, had arisen from the right honourable gentleman's so properly declining to make any speech; and the debate had proceeded solely on the general merits of the treaty, without a single word's having been said to the particular question before the Committee. He would therefore bring forward an amendment which would go to the question immediately, and this was, to add, as part of the resolution, "that it was the opinion of the Committee that the duties

"on the importation of Portugal wines should at the same time be lowered one third." This, Mr. Fox observed, would be an effectual means of preserving the Methuen treaty in full force, so far as it related to our part of the obligation, and would enable government more advantageously to negotiate the pending treaty with Portugal. Mr. Fox declared the proposition was so self-evident, that he saw not any ground on which it was objectionable; but he was prepared to debate it either then, or, as it was so late an hour, the next day, if the right honourable gentleman and the Committee thought proper. He added, that as the Committee had not regularly before them any information that a treaty was pending, or what state it was in, it the more became them to convince Portugal, and all Europe, that their wish was to continue the Methuen treaty.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* expressed his doubts, whether in point of order, when they were considering of a commercial treaty with France, and proceeding to vote resolutions, signifying their intention to fulfill the conditions of the treaty and carry them into execution, they could take cognizance of a resolution respecting the wines of Portugal; but, putting the point of order out of the question, he did not think that a proper moment to take up the consideration of the Portugal wines. He had before told the House that a negociation for the redress of grievances was pending with Portugal, and that negociation was, he hoped, in a fair way to be soon brought to a conclusion; at least it wore a favourable aspect, and no denial to treat had been given. As soon as news arrived of its being concluded, he should propose the necessary resolution to the House; but supposing that the negociation was not brought to an end before the bill passed, that it would be necessary to carry the commercial treaty with France into execution, a circumstance by no means impossible. In that case he should think it his duty to propose to lower the duties on Portugal wines for such a period, as might reasonably be thought sufficient for the negociation with the court of Lisbon to be brought to a termination in; but if, what he trusted and hoped would not happen, viz. that the court of Lisbon would not redress the grievances complained of, and refused to continue to preserve the spirit of the Methuen treaty, in that case he should propose to Parliament to think of putting the wines of Portugal upon equal duties with those to be paid on the importation of French wines. Having declared this, the Chancellor of the Exchequer said, he would leave it to the breasts of the Committee to decide whether the amendment should be debated or not.

Mr. Fox.

Mr. *Fox* denied that the objection in point of order could hold out a moment. The treaty expressly mentioned the re-
serve

serve in favour of Portugal wines, and consequently nothing could be more strictly regular than to notice them at the same time that the resolution relative to the wines of France was voted. Mr. Fox took notice of the candid explanation which the right honourable gentleman had given of his intentions, but nevertheless thought it ought to be fully discussed, and as it was so late an hour, he would propose that the debate be adjourned.

Mr. Grenville said, that the right honourable gentleman had discussed his motion in what he had remarked concerning it; unnecessary, therefore, was it, after the explanation which his right honourable friend had given, to proceed any farther upon it for the present. Mr. Grenville.

Mr. Fox ridiculed this idea and observed, that he had only given his reasons that an adjournment was necessary, as the amendment which he had to propose was likely to occasion some debate. He adverted to the motion which had been carried for an adjournment after the speech of his honourable friend (Mr. Sheridan). It was now a later hour, and if the question of adjournment should be opposed, he should consider it as a violation of decorum, and a mark of disrespect to his side of the House. Mr. Fox.

Mr. Sheridan observed, that the right honourable gentleman's (Mr. Grenville) argument went farther than the mere question of adjournment; he even said, "I am not only against an adjournment, but I am also against any farther debate on the subject of the question." The amendment of his right honourable friend was undoubtedly such as would occasion a considerable disagreement of opinion, he would therefore move for an adjournment, as he conceived it improbable the debate should be finished that night. Mr. Sheridan.

The Committee divided on the question of adjournment,

Ayes, 76 — Noes, 91

Mr. Chancellor Pitt's original resolution was then put and carried.

The House adjourned.

Friday, 16th February.

The honourable Thomas Pelham moved, that the order of the day for the House to resolve itself into a Committee of the whole House to consider farther of the several articles of charge of high crimes and misdemeanors against Warring Hastings, Esq. late governor general of Bengal, be now read: and the said order being read accordingly, Mr. Pelham moved to discharge the order, which being agreed to, he next moved, that the House should resolve itself into a Committee for the said purpose on the ensuing Thursday. Mr. Pelham.

Mr. Chan-
cellor Pitt.

Mr. Chancellor *Pitt* wished to have it understood that he gave his assent on the condition the order should be farther discharged, provided it should happen that the business in which the House had been for two days engaged, and which related to the commercial treaty with France, should not be finished by Thursday.

Mr. Fox.

Mr. *Fox* desired the right honourable gentleman to explain what he meant by the business, and how far the idea extended.

Mr. Chan-
cellor Pitt.

Mr. Chancellor *Pitt* answered, that he meant that all the resolutions to be moved should have passed the Committee, been reported and agreed to by the House previous to any interruption from other public business.

Mr. Sheri-
dan.

Mr. *Sheridan* contended, that the charges against Mr. Hastings were undoubtedly matters of infinite seriousness and importance, and ought not to be set aside as secondary considerations. He begged the House to recollect, that something was due from them to Mr. Hastings, whose character, and whatsoever could prove dear to him, was at stake, and whose feelings therefore ought not to be sported with by wanton and unnecessary delay.

Mr. Pel-
ham.

Mr. *Pelham* moved, "That Sir Elijah Impey and Mr. Middleton do attend the Committee on Tuesday next."

Mr. Dun-
das.

Mr. *Dundas* observed, that if any serious procedure was designed to take place against Sir Elijah Impey, the House ought to be informed of its nature before their consent to any such motion was expected.

Mr. Pel-
ham.

Mr. *Pelham* replied, that a very serious proceeding was intended against Sir Elijah; but he wanted the attendance of Sir Elijah and Mr. Middleton on Tuesday, merely to ask them some necessary questions relative to the revolutions in Farruckabad.

Mr. Chan-
cellor Pitt.

Mr. Chancellor *Pitt* said, he believed so; but that he, for one, had but very few questions to put to them.

The order for the attendance of Sir Elijah and Mr. Middleton was agreed to.

The order of the day being read for the House to resolve itself into a Committee of the whole House, to consider farther of so much of His Majesty's most gracious speech to both Houses of Parliament, upon the 23d day of January last, as relates to the treaty of navigation and commerce between His Majesty and the Most Christian King;

Mr. Fox.

Mr. *Fox* remarked, that he was now resolved to submit to the investigation of the House the question which, on the preceding evening, he had been prevented from introducing, in a manner much more extraordinary than any interruption which, during the eighteen years of his having enjoyed a seat in Parliament, he recollected to have experienced.

enced. If he might take the liberty of pressing his own opinion upon the House, he should unequivocally declare, that with this particularly important question their reputation and their dignity were closely interwoven. The question was at the same time so intimately connected with that part of the treaty with France then under deliberation, that it was impossible to pass it by, and not to come to its consideration, without manifesting a disregard to Portugal little short of a direct affront. He had been much blamed in the debate of the preceding day, and described as a person peculiarly fond of talking of alliances with foreign courts, of treaties, and of negotiations; that he was addicted to fall into that vein of debate, unless when it was necessarily and unavoidably connected with his subject, he was not himself aware, nor did he believe that this was really the fact; but how subjects, in which negotiations, treaties and alliances with foreign courts were involved, and with which those matters were inseparably connected, could be properly, or rather could be at all discussed without a reference to those topics, he was at a loss to conjecture, unless that House were to take the advice given by an honourable gentleman, and no longer to consider themselves as politicians: that advice not happening to suit with his notion of the duty of a member of Parliament, he, for one, must be excused if he continued to think, that it became him, and every gentleman entitled to a seat within those walls, to consider himself as a politician, and to direct his opinions accordingly. He had thought it necessary to premise thus much, because he was afraid that he must now, once more, incur the censure which had been cast on him the day before, and again make mention of those topics which it had been said he was too much inclined to talk upon. The subject to which he meant to draw the attention of the House was the *reserve* made in the seventh article of the treaty of navigation and commerce with France in favour of our connection with Portugal under the Methuen treaty. The Committee had the preceding night come to a resolution to lower the duties on the wines of France on importation into this country; it appeared to him then to be highly and indispensably necessary, that the second part of that resolution should be a resolution to lower the wines of Portugal to that reduction at which they were intended to stand, provided the Methuen treaty was to continue and things to go on as they had done from the time of concluding that treaty in the year 1703. Mr. Fox directed all his arguments to prove the indispensable necessity that he had stated, and to convince the House, that if they did not come to the resolution then, they indicated a negligence respecting the continuance of the connection of the two kingdoms under

the Methuen treaty, and an indifference to the commercial benefit thence derived reciprocally to both countries. He professed himself aware that it had been contended that the Methuen treaty bound Portugal only, and that it was optional in Great Britain to take the wines of Portugal or not: this he knew others contradicted, and maintained that we were bound to take the wines of Portugal on low duties, as much as Portugal was bound to admit our woollen cloths. But in whichever point of view it was considered, the advantages of the Methuen treaty had been so great, that we should act in the most unwise and impolitic manner, if we did not take every step on our part to convince Portugal that we were desirous of continuing the connection.—He had never been fond of that mode of arguing which deemed exports a gain and imports a loss; but admitting for the moment and for the sake of argument that this was the true way of judging, in the case of Portugal the argument so managed was strong in favour of our adhering to the Methuen treaty. Our imports from Portugal consisted of brazil, cotton, of oil, of dying drugs, of salt to salt our fish with, and of other articles without which we could not possibly contrive to go on as a commercial country; if therefore imports were a loss, they were a loss in this particular that we could not possibly do without sustaining. If our connection with Portugal was put a stop to, we must go and purchase our loss at another market; for the articles of our imports from Portugal, as he had before stated, were what we must at any rate procure. On the other hand, our export trade to Portugal was a most valuable trade: it amounted to near a million annually, and was otherwise precious to us, because the commodities now exported to Portugal were saleable in no other market. The Portuguese, he understood, took from us the whole produce of a woollen manufacture in Yorkshire; he knew not the name of the cloths, but it was an undeniable fact, that the consumption of Portugal was equal to the whole produce of the manufactory in question, and that the woollens were saleable no where else. This then alone was an important consideration; but added to this, Portugal annually bought a very considerable quantity of salt fish, another commodity for the sale of which we could find no other market. Formerly there was another very considerable export, an export of corn to Portugal, but that had lately dwindled to nothing, which he imputed to our increased home consumption. He was aware, that the salt fish carried to Portugal was conveyed thither not under any agreement or stipulation in the Methuen treaty, but under the conditions of anterior treaties, and therefore it might be fair to suppose that if the Methuen treaty was put an end to, we

still had a right to expect that the faith of anterior treaties should be complied with. He entered here, however, into a series of arguments, to shew the possibility of the putting an end to the Methuen treaty being considered by Portugal as a separation *in toto* from all connection in this country, taking care to guard this doctrine by an explicit declaration that Portugal had derived such advantages from her connection with Great Britain, and must necessarily be so serious a loser, by giving up all pretence to her protection, that if, by a lamentable state of perverseness, or the influence of bad advice, she should be induced to break all connection with us, and risk her safety in the best bargain she could make with her neighbouring continental powers, she would do the most rash, most unadvised, and the most absurd act that ever a country, situated like Portugal, could commit. At the same time it was to be remembered, that greatly as the balance of advantage derived from the connection under the Methuen treaty, was in favour of Portugal, Great Britain would feel no inconsiderable inconvenience from the loss even of such an ally as Portugal. What our commercial disadvantage would be, he had stated in enumerating the species, and mentioning the value of our exports to Portugal. Our political disadvantage might also be serious. In case of a war with the House of Bourbon, we should feel (perhaps feverely feel) the want of some friendly port from Gottenburgh, now a French port, down to Gibraltar. These were not ideal inconveniencies, and rash as it would be in Portugal, to put us into such a situation, we could not but thence lament the loss of such an ally.

Again must he repeat, and press most earnestly upon the consideration of the House, that all the too sanguine supporters of the treaty should consider the relative situation of England and Portugal. For near a century back, an alliance of mutual, though he would not say of equal convenience, had subsisted between them. The connection, he was ready to acknowledge, was more necessary to Portugal than it was to England, considered in a political point of view. She allowed us great commercial advantages in return for protection. Such is the condition, and such the politics of the European potentates, that the weaker states must court the alliance of the more powerful. Now was it not highly probable, that our conduct might induce the Portuguese to reflect that they are near neighbours to Spain, and that they are no longer natural enemies; that nature intended them to supply each other's wants, and to exchange commodities for their reciprocal benefit? This, at least, might as well be said of Portugal and Spain, as of France and England; and might induce Portugal blindly to throw herself into the arms
of

of Spain, and to add her balance to the already predonderating weight of the House of Bourbon. Thus should we not only lose the benefits we may derive from an alliance with Portugal, but have her in the scale against us. Nothing could more tend to exasperate, and move her to act in this manner, than the present conduct of Ministers. The pride and dignity of Portugal, as an independent kingdom, had been wounded by them. No person in this House was more an advocate for acting with vigour towards foreign states than he was; but he confessed that he thought this rigid tone might be assumed with more honour and justice towards other states than Portugal. Not long ago we were blamed by all Europe for our insolence; and he was sorry to find, that we should not be acquitted of the exercise of that vice, but merely commended for our circumspection, towards whom we put it in practice. If we thought proper to retain our stile of haughtiness, it ought to be our old rivals and equals in power that we should talk to in that manner, and not to a subordinate and, in respect to us, a very defenceless people; that was far from being the conduct or the principle of a brave and generous nation.

Mr. Fox contended, that if the House did not instruct the Committee to come to an immediate resolution, "that the duties on the wines of Portugal should be lowered one third," they, in fact, broke the Methuen treaty, or at least departed from its spirit and meaning—intimated to Portugal a ground of doubt as to their intention of not ultimately complying with the Methuen treaty, and, in fact, for the moment paid France a compliment at the expence of Portugal, by holding it out to all the world, that during the course of their proceedings France was preferred, and her interests first attended to. Suppose, said Mr. Fox, that the Queen of Portugal were to publish an edict, prohibiting the importation of our woollens into her dominions, would this country think that an handsome thing towards them, or that it dignified their ground for renewing a negotiation? In like manner let them feel for Portugal; if the Methuen treaty be not recognized without delay, it is virtually broken, because the duties on the wines of Portugal (as far as the ultimate intention of the legislature is to be collected from a resolution of the House of Commons) appear to stand on the same footing as the duties on the wines of France; and if they actually were left to stand on that footing, every gentleman knows it would be a direct violation of the Methuen treaty: and great indeed was the difference between recognizing the condition of the Methuen treaty primarily and secondarily, or in other words, by a resolution antecedent to the sending the bill (to be brought in upon the resolutions come to in the Committee)

mittee) up to the House of Lords, or by a resolution afterwards. But what, he contended, was the strongest argument to induce the House to act in the manner he had advised, was their not having before them in the parliamentary form any grounds whatever to lead to suspend an act of expressive readiness on their part to manifest their desire to comply with the Methuen treaty. They had indeed heard of negotiations pending with Portugal, and they had heard of grievances complained of, but they knew not the grievances, nor the situation and circumstances of the pending negotiations. They knew not that the complaints of grievance were even justly founded, and therefore as a House of Parliament they had no grounds whatever to induce them to act otherwise than as if no negotiation whatever was pending, nor any complaints of grievances existing. Mr. Fox concluded with moving,

“ That it be an instruction to the said Committee, that they do, in the first place, proceed to consider of reducing the duties upon wines directly imported from Portugal into Great Britain, so that such wines may pay no higher duties than two thirds of the duties to be imposed upon wines imported directly from France.”

Sir Grey Cooper remarked, that the basis of the treaty in 1703 was the taking off a prohibition of the woollen goods of Great Britain, which had subsisted for nineteen years. The Queen signified by her Minister (Mr. Methuen), that it would be very agreeable to her if the woollen cloths and the rest of the woollen manufactures of Britain might be admitted into Portugal. Mr. Methuen had the address and the good fortune to prevail on Portugal to comply with this request. The King of Portugal engaged to admit for ever hereafter into Portugal the woollen cloths and the rest of the woollen manufactures of Britain, as was accustomed until they were prohibited by the laws—upon this express condition, that at no time, whether there be peace or war between Britain and France, any thing more should be demanded for the wines of Portugal by the name of custom or duty when imported into Britain, than what should be demanded for the like quantity or measure of French, deducting or abating one third part of the custom or duty. This was a boon given by England to Portugal, for the most valuable consideration of the admission of our woollens. There were two conditions; one on the part of Portugal, that she would for ever admit our woollen manufactures *non aliter quam fieri solebat antequam interdicerentur*. The condition to be performed on our part was very carefully and anxiously worded. It had been already stated; but at the close of the second article, which contains the whole of this condition, there

there were those important words in the original treaty: *Quod si quando hæc vectigalium imminutio prout præfertur facienda quovis modo attentabitur ipsique derogabitur jus fasque erit. Sacræ majestati Lusitanicæ lances pannos cæteraque Britannica canificia rursus interdicere.* This contract had redounded to the immense advantage of this kingdom for a longer course of time, and by a more favourable balance, a greater accretion of wealth than we owed to any other treaty. By the encouragement and extension of our staple manufacture, by the augmentation of the capital of the value of the lands, and the increase of the shipping and seamen, which was paramount to all other considerations.

Amount of exports to Portugal.

	Value.
In 1783,	559,000l.
84,	471,000
85,	770,000
86,	599,000
Imports for the same periods.	
In 1783,	322,000l.
84,	370,000
85,	428,000
86,	469,000

In the last year we imported 2,094,000 pounds of cotton wool, valued at 61,000l. This was a most precious and essential article to the finest cotton manufactures;

And, in the year 1785, 1,629,000 pounds, valued at 47,000l., especially as France had lately laid five pence per pound on cotton exported from France, the prime cost of which was not more than eleven pence or one shilling.

Salt for fisheries,	- -	23,883 lb.
Fruit, to the value of	-	21,642 l.
Indigo	- - - -	17,000
Dying drugs, about	-	3,000
Skins, about	- - -	4,000
Tobacco	- - - -	4,070
Oil	- - - -	43,000

The account of the importation of fish from Newfoundland into Portugal was not stated with any accuracy or precision in the state of the trade in 1772 and 1773.

There was one article of 570,000 quintals of baccalas imported from Oporto in 1772, but not distinguished whether it was in British or American vessels.

In 1773 there were only 31 quintals of baccalas imported into Oporto, and 80,000 quintals of fish into Lisbon from America. The remark at the close of the state of the trade in 1785 was very extraordinary, and was manifestly calculated to depreciate the value of the Methuen treaty. It was
a remark

a remark more proper to be inserted in a pamphlet than in an account.

The value of the fish from Newfoundland in that year amounted to 104,000*l.* in value, which, Sir Grey believed and hoped, was much under the average value of fish imported from Newfoundland into Portugal.

He observed, that this great treaty was at that moment in much peril and jeopardy. The condition on our part was on the point of being broken: it stood on the edge of a precipice; but the right honourable gentleman said, that we need not be alarmed, as there was a power reserved to save the breach of the condition; but that it was not consistent with good policy that it be now executed, because certain complaints of infractions of the condition on the part of Portugal were now in agitation, and that fresh remonstrances had been lately made to the Court of Lisbon on those grievances. In a former debate he had conjured the right honourable gentleman to execute the power now, and to let the reduction of the Portugal wine go *pari passu* with the boon given to French wine; and that commissaries be appointed to consider, and, if possible, to settle the grievances and complaints of the merchants, within a time to be limited; and it seemed that this conduct was the wisest, for this plain reason, that if the Court of Portugal construed this reduction of the duty on French wines to the level with the duty now demanded on those of Portugal to be a breach of the condition on our part, or such a derogation from the true spirit of it as justified her in prohibiting the woollens of Great Britain, there was an end of the Methuen treaty, and all the negotiation about redress of grievances was extinguished and fell to the ground, until we could again obtain the consent of Portugal to renew it, which might not, perhaps, be brought about on terms so advantageous as we had at present. He doubted much, if this should unfortunately happen, whether we should find any thing in the French treaty to replace their loss. This had happened before. In the first year of the reign of James II. the prohibition of French goods, enacted in 1678, expired; and in one of the first acts of the first session a duty of 8*l.* per ton was laid on French wine, and 12*l.* per ton on Spanish and all other wines. When the trade was opened with France, and that act passed, the import of Portugal wines fell from 12,000 to 300, and the French wines increased from nothing to 13,000. This appeared by an account presented to the House of Commons from the Inspector General's office in 1713. That unfortunate Prince was, during his whole reign, directed, as it were, by a spirit of dementation; and as a right honourable gentleman well observed the preceding day, he submitted to

be the slave of France, that he might ruin the religion and constitution of England, and Sir John Maynard would not have survived the commerce, as well as the law of the land, if King William had not come to deliver both. Under all these circumstances he could not avoid forming a most anxious wish that the Committee would not withhold their support from this necessary proposition; and the rather, because its manifest tendency was to place the manufacturers, much interested in the fate of this treaty, upon a secure footing, and yet leave the stipulations in the French treaty totally unprejudiced.

Mr. Chan-
cellor Pitt.

Mr. Chancellor *Pitt* observed, that he believed that he should not experience any great difficulty in placing within contracted limits the sole reply which, in his humble opinion, it was necessary for him to give to the right honourable gentleman, and the only reasons which he felt it incumbent on him to assign for meeting the motion with a direct negative, since the right honourable gentleman had chosen to repeat so many arguments already sufficiently discussed and answered during the course of preceding debates. In the first place, he would lay out of the consideration all which the right honourable gentleman had said relative to the pretended connection between what it might be proper to do with respect to Portugal, and the resolution which the Committee had already voted concerning the future rate of duties on the wines of France; ~~the~~ two considerations, in fact and in truth, having nothing to do with each other, but being totally distinct and separate. To the next division of the right honourable gentleman's arguments, he was ready to subscribe; but, in doing that, he meant to be understood as referring to the conclusion only; as to the premises he laid in his claim to differ; for, although he had no manner of objection to admit that the trade of Great Britain with Portugal was valuable, and a matter deserving of very serious attention, he was by no means willing to allow that the right honourable gentleman had been correct, and founded in his statement of the extent and amount of the value of that commerce. On the contrary, he very greatly questioned the authenticity of the right honourable gentleman's statement, and so far from believing it to be by any means a fair account of the matter, he had every reason to imagine that it was grossly exaggerated. Here he would just mention, that although he thought the Methuen treaty, a treaty the existence of which it was every way desirable to have continued; yet, if it should happen, (as he hoped and trusted it would not) that Portugal broke with us entirely as to that treaty, a great part of our trade with Portugal depended on agreements and treaties entered into anterior to the Methuen treaty. Among other
articles

articles of our trade with Portugal, the salt fish trade was of this description; and surely gentlemen would not contend, that if it should unfortunately be the ultimate fate that Great Britain and Portugal could not agree as to a continuance of the Methuen treaty, that therefore Portugal was absolved from a due performance of acts of stipulation concluded many years antecedent to the Methuen treaty. He could not well account for the right honourable gentleman's having, in so extraordinary a way, and under such peculiar circumstances as the country stood in with Portugal at this time, touched upon one part of the subject in the manner that he had done. That he did it with a view to encourage Portugal to imagine there was any description of persons in this country who were of opinion that she would be justified in a gross violation of her natural faith, he did not believe, nor would he suggest an imputation of so unbecoming a nature; but whether he had meant to delude the people of England into an idea that Great Britain was more obliged to Portugal than Portugal was obliged to Great Britain, (the very reverse of which, in the extremest degree, was notoriously the fact) or whether he had used it merely as a sophistry for the purpose of the moment, he could not decide, but a more palpable misstatement had scarcely ever been given. The Chancellor of the Exchequer next remarked, that he was led at last to the only part of the right honourable gentleman's speech which he thought in any degree called for an answer; and that was the right honourable gentleman's bold declaration, that the House had no grounds before them upon which they could rest any thing like a knowledge that a negotiation was pending with the Court of Portugal upon a complaint of grievances which that country had a right to expect to see redressed. Was it possible that such an argument could be seriously maintained after he had more than once, and especially the preceding evening, stated to the House in express terms, that such a negotiation was going on, and that the grievances, which surely no man would say, had never been heard of before, were of great weight and seriousness, and such as no government could suffer to remain unnoticed, while it was conscious that the Methuen treaty was punctually complied with on our part. Far was he from suspecting that the right honourable gentleman meant any thing personal to him, or could design in that sense to insinuate so foul a suspicion; but, parliamenterarily speaking, surely he had a right to claim, even from that right honourable gentleman, so much confidence and credit on behalf of the executive government, when he asserted, in his place, that a negotiation was going on with the Court of Lisbon, from a complaint of a non-compliance

with the Methuen treaty, and that he had every reason to believe it would be happily and speedily terminated. Mr. Pitt now pointed out the happy circumstance of our constitution which gave the negotiation and conclusion of treaties to the prerogative of the Crown, and the revision, judgment, and execution of them to the privileges of the People. He asked whether it was right, in the midst of a negotiation so circumstanced, for an House of Commons to interfere by a resolution tending to embarrass, disturb, and delay the mode of negotiation, which the executive power, who had all the responsibility, had chosen for themselves, and whether it was serving or strengthening the hands of Government, or confirming, or questioning their ability, in the most unprecedented manner, and thus destroying that power and energy, which, under such circumstances, from considerations of public good, ought not at any rate to be weakened? The Chancellor of the Exchequer repeated his declaration of a former evening, that he had every reason to expect the negotiation with Portugal would prove successful; if, however, it should not, and it should fail, in either case he would come to the House, and in one of the two situations would move a resolution to lower the duties on Portugal wines one third below the duties on French wines; in the other, he would lay before the House the grounds on which Administration considered the Court of Lisbon as no longer willing to comply with the Methuen treaty, and their reasons for moving to alter the situation of the two countries as far as regarded the import duties on Portugal wines. The only ground on which the right honourable mover of the instruction had argued, was a fallacy, inasmuch as the resolution relative to the future duties to be paid on the importation of the wines of France, and the future duties to be paid on the importation of the wines of Portugal, were distinct and separate considerations, and not implicated concerns. Above all things, he should contend, that the motion of the right honourable gentleman held out to Portugal an active measure in her favour, which it might ultimately be right to vote, but, which, if voted before the bill, to be grounded on the resolutions of the Committee, must be premature.

Mr. Powys. Mr. Powys touched upon some of the principal points of the Chancellor of the Exchequer's arguments; but, ended with admitting, that the executive Government had a right to expect the credit and confidence of Parliament pending a negotiation, or any other executive act, constitutionally vested in that branch of the Legislature.

Mr. Yonge. Mr. Yonge contended that a less wise and able man than Mr. Methuen could have made the treaty of 1703. He also explained a few words in that treaty, which he conceived the honourable

honourable Baronet (Sir Grey Cooper) had mistaken, and strenuously insisted that the motion was an improper interference with the executive Government, which could not but weaken the hands of Ministers, if carried, and operate as a tacit declaration that they were unfit for their offices.

Mr. *Sheridan* affirmed that the House of Commons was constitutionally empowered to interfere with treaties, even pending their negotiation. There were treaties over which the prerogative was paramount; there were treaties also of another description, with which the House was particularly concerned, the execution of them depended solely on the voice of the House of Commons. He added that the motion of his right honourable Friend (Mr. Fox) was not an active measure in favour of Portugal; it was a point of right due to the Methuen treaty, and merely a motion to do that immediately, which the right honourable gentleman had pledged himself to do (granting that he would do it at all) previously to the bill or bills going out of the House.

Mr. *Fox* declared that he would not take the sense of the House, as the right honourable gentleman had put the matter upon such an issue. The right honourable gentleman had rested on an assertion, but no argument. The right honourable gentleman (the House would remember) was responsible, not for the success of the measure, as that no man could answer for, but for any unfortunate turn which the treaty might take in consequence of the mode of negotiation which the right honourable gentleman, as a minister, had thought proper to chuse. Mr. Fox defended his motion, and denied that it would have embarrassed Government; on the contrary, he contended that it would have been a good ground for Government to have acted upon. He by no means consented to admit that his motion was an active measure in favour of Portugal, and beyond what she had a just right to expect. It was exactly the reverse; and to prove the argument, he would again put the case, that if the Queen of Portugal should have issued an edict prohibiting the export of our woollens, he should have thought that she had acted unfairly by Great Britain.

Mr. Chancellor *Pitt* accepted the responsibility which he acknowledged the right honourable gentleman had fairly put on him. He was not answerable for the success of the measure; but so far answerable, that if it failed, he was bound to come down and state sufficient reasons to convince the House, that it had not failed through any fault of Government. He was happy to find that the right honourable gentleman, without a division, gave up a motion, which he had introduced with such an air of importance. It proved the right honourable gentleman's sense of the opinion of the House.

Mr.

Mr. Fox.

Mr. Fox denied this, and repelled what had been said of his relinquishment of the motion. So far from his giving it up to real argument, he had given way to an assertion never before used as an argument in so strange a manner.

The expressions of a difference of opinion concerning the words used by the Chancellor of the Exchequer took place, which occupied about ten minutes, during which Mr. Fox and Mr. Pitt were severally twice up. At length the motion was put and negatived without a division.

As soon as Mr. Fox's motion was disposed of, the Speaker put the question, "that he do then leave the chair," which being agreed to, the House resolved itself into a Committee upon the consideration of that part of His Majesty's speech which referred to the treaty of navigation and commerce. (Mr. Beaufoy in the chair.)

Mr. Chancellor Pitt.

Mr. Chancellor Pitt rose with a string of resolutions in his hand, each referring to a separate species of goods and merchandize stated in the tariff, contained in the sixth article of the treaty, and began with moving the resolution relative to vinegars, which passed without objection.

The next resolution, referring to Brandies, occasioned a short conversation.

Mr. Fox.

Mr. Fox desired to know, whether at the time that the duties on brandies were meant to be reduced, it was not intended to accompany the alteration with a reduction in the duties on Rums?

Mr. Chancellor Pitt.

Mr. Chancellor Pitt answered that the resolution declared it to be the opinion of the Committee, that the duties on brandies should not exceed seven shillings per gallon, and he had it in contemplation to make a small reduction (3d. per gallon) in the present duties on rums, which would bring the duties on the two articles of brandy and rum to bear exactly the same relation to each other in point of proportion, that they bore at the year 1778. Mr. Pitt explained what other duties had been since imposed, and said, he intended, at an early day, to propose a still greater reduction on brandies, and other spirits, from certain considerations of revenue, and with a view to extend the system so happily and successfully commenced three years since, to the great prevention and abolition of smuggling. He added, that he meant in the Committee merely to move the resolutions which were necessary to be moved as the ground-work of the bill, which must of course be brought in, after the House should have agreed to the report; gentlemen, therefore, would either debate them as they were moved, or upon the reading of the report, or upon any stage of the proceeding to which they might give the preference.

Mr. Sheridan.

Mr. Sheridan observed, that at length, and consequently for the first time, the right honourable gentleman had confessed

feſſed, that his much-boacted commutation bill had failed him. The right honourable gentleman had made it one great ground of exultation upon his aſſurances of the ſucceſs of the meaſure, that it would entirely put an end to the ſmuggling of brandies. The Committee would recollect, that he (Mr. Sheridan) had on frequent occaſions told the right honourable gentleman, that a day would come when he muſt experience the unavoidable obligation of confeſſing that the meaſure had failed, and that all which he foretold had been verified.

Mr. Chancellor *Pitt* ſaid that he wondered which he ought moſt to admire, the confidence or the ignorance of the honourable gentleman's aſſertions. Could any man in his ſenſes have believed, that ſuch a ſpeech as the honourable gentleman had juſt delivered, could have been excited by any thing which had fallen from him. Had he uttered any expreſſions like what the honourable gentleman had thought fit to impute to him? much leſs had he, when he propoſed the commutation bill originally, aſſerted, that, among other effects of the bill, it would entirely put a ſtop to the ſmuggling of brandies. So improbable an effect he had never been weak enough to flatter himſelf with the expectation of, and every one muſt know that no man of common ſenſe could have erred ſo egregiouſly. As to the words he had made uſe of, when he introduced the bill, that was a queſtion of memory between the honourable gentleman and him, and muſt be left to the Houſe to decide; but as far as his memory ſerved him, he was ſufficiently confident of his recollection, flatly to deny the words which the honourable gentleman had imputed to him. With regard to his idea of extending the ſyſtem to brandies, it was not on that day that he had firſt mentioned it to the Houſe. He had mentioned it ſo long ago as the laſt ſeſſion, when gentlemen might remember that he had talked of extending the plan to brandies and other ſpirits, but the previous alteration of duties on brandies being ſo intimately connected with the treaty of navigation and commerce with France, he neceſſarily waited till he had an opportunity of ſubmitting the whole of the conſideration at once to the Houſe.

Mr. *Sheridan* obſerved that if he had entertained the ſmalleſt doubt of the correſtneſs of his recollection before, he was now convinced he had been perfectly correſt from the right honourable gentleman's being ſo very angry. He begged leave, however, to remind the right honourable gentleman that it was not altogether decent for a Miniſter to addreſs any member of that Houſe in ſuch language; it was, beſides, extremely ill judged of any gentleman to deſcend to it, becauſe it laid him open to ſo eaſy a retort. All the return which he ſhould make was by declaring (what he was perſuaded the majority of the Committee muſt feel with him) that the ill manners of the right

right honourable gentleman were not more conspicuous than the weakness of his conduct in charging him with confidence and ignorance without a single argument to prove the foundation of any such charge: having said this, Mr. Sheridan declared, that the Committee were no strangers to the practice of the right honourable gentleman, when any member shewed that his words on a former occasion, and his subsequent conduct, were at variance with each other. On the present occasion the right honourable gentleman had endeavoured to shift the charge by the quibble of a word, and had confidently maintained that he never said, the commutation plan would *entirely* put a stop to the smuggling in brandy. He would not, Mr. Sheridan said, take upon him to assert that the right honourable gentleman had used the word *entirely*; but he appealed to the recollection of every gentleman who heard him, whether he had not almost as often as he had talked of the advantages expected to arise from the commutation system, rested a great part of his argument on his entertaining little or no doubt of its having the good effects of putting an end to the smuggling of brandy *in a very great degree*; or words to that effect. Mr. Sheridan asked, whether it was likely that the right honourable gentleman should have confined his argument entirely to the prevention of smuggling of teas, and whether the abandoning of 700,000*l.* of the revenue merely with that view, would not have been a very weak scheme? Mr. Sheridan added a few comments upon the proposition respecting brandies now hinted, and said, most undoubtedly, if the right honourable gentleman were to go from one article of excise to another and commute, the duties on smuggling would be put an end to respecting those articles; but a day must in that case arrive, when the Minister who pursued such a system would have to come to that House, and to ask them to provide for a good round deficiency of revenue.

Mr. Chan-
cellor Pitt.

Mr. Chancellor *Pitt* replied, and persisted in his former declaration, that he had neither dreamt of the commutation act having the effect of entirely putting a stop to the smuggling of brandy, nor had ever made such assertion; that he might have stated his expectations of the act's having a collateral effect on the smuggling of spirits at the same time, which could not fail to put an end as it were to the smuggling of tea, was very possible; but as to having gone to the length of the words imputed to him by the right honourable gentleman, or any thing like it, that he must flatly deny, and repel the insinuation.

Mr. Sheri-
dan.

Mr. *Sheridan* restated his charge, adding, that not only the right honourable the Chancellor of his Majesty's Exchequer,

quer, but the right honourable gentleman opposite to him, (Mr. W. Grenville) had talked in the manner he had mentioned; and he instanced the preceding session as one of the times when the latter right honourable gentleman had so argued.

Mr. *W. Grenville* remarked, that he did not doubt but that the honourable gentleman would be very glad, not only to involve his right honourable friend's relation, but every gentleman who sat on the bench with him, in the same imputation; but he must beg leave to copy the example of his right honourable friend, and flatly deny that he had, either on that occasion alluded to, in the course of the last session, or on any former occasion, used words at all like those which the honourable gentleman had put into his mouth. Mr. W. Grenville.

Mr. *Dempster* said, that any gentleman would find the precise words in question in the Report of the Committee, of which he had the honour to be a member last session. They were words much used at the time, and almost in every body's mouth who talked about smuggling. Mr. *Dempster* said, he himself had put the words into the Report, as he thought they were words likely to attract attention, and good words in a Report. Mr. Dempster.

Sir *Edward Ashley* spoke of the necessity for putting an end to smuggling, and providing some new mode of liveli- Sir E. Ashley.
hood for the persons engaged in that sort of illicit traffic. He informed the Committee that a colony of smugglers lived close by him, and he gave an account of the result of some conversations he had with them on the subject of their practice.

Sir *James Johnstone* also said, that he had some neighbours of the same kind; that they came one night when he was ill in bed, and took away two of his horses, but that he got them back again in the morning. Sir J. Johnstone.

Lord *Penrhyn* entering just at this time, rose and entered into a discussion of the different rates of duties on brandies and rum, but was interrupted by Lord Penrhyn.

Mr. *Chancellor Pitt*, who informed the noble Lord of what had passed in his absence, and stated to him, that he meant on an early day to bring the duties on rum and other spirits under discussion, when his Lordship would have an opportunity of speaking fully to a subject that was not then properly before the Committee. Mr. Chancellor Pitt.

The resolution respecting the duty of 30 per cent. upon the export of beer occasioned some conversation between Sir *Matthew White Ridley*, Mr. *Chancellor Pitt*, Mr. *Whitbread*, and other gentlemen.

Sir *Matthew* feared the resolution would give the French beer an advantage over the English.

Mr. Chancellor Pitt assigned his reasons why it would not.

Mr. Whitbread.

Mr. *Whitbread* informed the House, that the treaty respecting the article of beer was in favour of England; for the sixth article says, beer shall pay in each country 30 per cent. ad valorem, and that the present existing duties in each country shall be added to the 30 per cent. which were very high in England; and he had been informed Mr. Eden said were very low in France; so much so, that it was proposed to Mr. Eden to take no account of them on either part, yet that he thought could not be complied with, as all malt exported from England is duty free, and in some cases obtains a bounty also, and this brought us nearer to an equality; yet upon the whole he thought the terms in our favour, and we might be content. He farther observed, that as the internal duties in France were not particularly known, which he wished they had been, yet that difficulty was in a great measure removed by the clause declaring that each country shall be governed by the very same duties which exist at the time when the treaty commences.

Sir Benj. Hammet.

Sir *Benjamin Hammet* declared, that he had something to say which he hoped would be well received: what he meant was, a scheme which he designed to propose at a fit opportunity, which, without making it necessary to lay a single tax on the subject, would raise half a million of money. He did not doubt but that he should have the assistance of the Scotch members. He mentioned the practice of paying 2s. 6d. per bushel bounty money on the export of British malt; that, he said, was a most egregious imposition on the subject, and opened a door to the most scandalous fraud and abuse.

Mr. Fox.

At length the beer resolution was put and agreed to.

The resolution relative to the import duty of 12 per cent. on cottons was no sooner read, than Mr. *Fox* rose, and expressed his doubt, whether the cotton manufactory would not be most materially injured. He rested his apprehensions on the uniform information of every manufacturer whom he had consulted; on the evidence of those very respectable characters, Messrs. Walker and Richardson, at the time when the Irish propositions were in agitation, and upon the unanswerable argument of a right honourable gentleman (Mr. Flood) grounded on that evidence; arguments which every man in the House must have been happy to have heard.

Sir Grey Cooper.

Sir *Grey Cooper* observed, that the circumstance of France having lately laid an additional duty on cotton wool was an ill omen of her cordial amity and professed friendship towards

wards Great Britain: it was not the most favourable symptom of sincerity, nor the strongest proof of her professions of good-will towards us that France could have given. She had now raised the duty 5d. per pound on her cotton wool; she might hereafter raise it to 10d. per pound, and so increase it till it amounted to a prohibition.

Mr. *W. Grenville* contended, that the kingdom of France was not a manufacturing country, which she had been represented; and that such was our avowed superiority in respect to the ingenuity and industry of our manufacturers, that he had no sort of doubt, but that as soon as our manufacture found its way to the French market, the manufacture of France would sink before it. Mr. Grenville mentioned the short duration of the treaty, declaring, that without any other argument, and there were many at hand to support it, this alone was sufficient to shew that there was no danger of our manufacturers emigrating to France and settling there. He also contended against the manufacturers' fears as to the danger of there occurring a deficiency of supply of cotton wool; in spite of all the restrictions laid upon the export of that raw material, it had hitherto found its way to our market in a sufficient quantity, and when the treaty was ratified, and the import legalized, it could not fail to flow in much greater quantities than ever.

Mr. *Fox* contended, that if the right honourable gentleman had a right to argue upon the quantity of cotton wool obtained in a contraband way, the same argument must be allowed to apply to the whole of the treaty, which he should then have a right to defend on the ground of the fact, that so much of her manufactures had hitherto found their way into France in a contraband way, that he might infer that the treaty was altogether unnecessary.

Mr. *Grenville* urged additional arguments to prove, that there was not the smallest reason to dread an insufficiency of supply of cotton wool, and contended that he could instance a variety of fair, legal channels through which we had the most reasonable and well-grounded expectations of being very amply furnished with as much of the raw material as our cotton manufacturers could stand in need of.

Mr. Alderman *Watson* pointed out where, in his opinion, a large supply of cotton wool might now be had, and also assigned his reasons for declaring, that there was every ground to imagine that we should very shortly be supplied from our own West India islands.

Sir *Harry Houghton* said, that he had refrained from delivering his sentiments on the treaty with France from a consciousness how unequal he was to the important subject, and

therefore preferred being silent, and endeavoured to gain light and information from others, in order rather to form his opinion than to presume to offer his sentiments; that he had received great information from both sides of the House. It was *periculosa plenum opus aleæ*, and embraced a variety of interests; but he thought the probable advantage justified the experiment, which was only for twelve years, and if any evils arose, which no human prudence and foresight could anticipate, he did not doubt but the wisdom of the Legislature would be able to correct and remove them. That as far as the opinion of manufacturers was of any weight, he observed that he lived in the midst of them in Lancashire, and during his residence in the country in the summer, he endeavoured to learn their sentiments on the measure, and he could aver that the leading manufacturers thought the treaty would be very advantageous to the cotton manufactory. He desired the Committee would not think he meant to throw any reflection upon Mr. Walker, who was a man of good understanding and veracity, and a very respectable character; and when he said that persons equally respectable declared sentiments in favour of the treaty, he added, that in saying so, he meant a compliment to their characters. He said, he was sorry he did not see his worthy colleague, who, if he had been present, would have borne his testimony to the respectable characters of Messrs. Watson and Myers, with whom he had conversed upon the subject, and who, at his request, sent him their copy of the treaty of navigation and commerce with some marginal notes, that the objections therein were removed by the articles in the convention. He mentioned a short visit he paid to Mr. Ford in the neighbourhood of Manchester, whose character, knowledge of business, and large property, gave great weight to his opinion. From him he learnt that the sentiments of the great traders of Manchester and its neighbourhood were in favour of the treaty.

The resolution was agreed to.

Mr. Sheridan.

Mr. Sheridan asked what resolution the Chancellor of the Exchequer meant to move respecting the water guard of our coasts, as he conceived that the hovering act was given up by the treaty.

Mr. Chancellor Pitt.

Mr. Chancellor Pitt answered, that he had no resolution to move on that subject, as there was not a word in the treaty which in any sort whatsoever made it necessary to alter the existing laws, for the security of our coasts, either from the approach of smuggling vessels or otherwise, nor was any the smallest alteration intended.

The resolution respecting cabinet ware and turnery was agreed

agreed to, as were all the rest of the articles of the tariff.

The House adjourned.

Monday, 19th February.

Mr. *Hamilton* begged leave to inform the House, that he had spoken to the honourable gentleman who meant to bring forward the next charge against Mr. *Hastings*, and he had consented that the charge and the examination of the witnesses should not come on upon the same day; he therefore rose to discharge the order for the charge, which stood in the book for the immediately ensuing day. Mr. Hamilton.

Mr. *Burke* and Mr. *Pelham* entering the House just as Mr. *Hamilton* sat down, the latter repeated what he had said, adding, that in all matters of a judicial nature, it was highly necessary that there should be time allowed for considering the evidence, and weighing its tendency between the time of its delivery and the period of pronouncing decidedly upon its nature.

Mr. *Burke* flattered himself that the House were too candid and impartial not fully to acknowledge, that, from the first commencement of the proceedings to that hour, he had, on every occasion, most readily acquiesced in every proposition for the accommodation of gentlemen on either side. He would act with consistency, and submit to the charge's being brought on another day, and to the immediate examination of Mr. *Middleton* and Sir *Elijah Impey*; but when it had been originally proposed that the examination and the charge should stand for the same day, it was from an idea that it was necessary to ask the witnesses very few questions only, touching the affairs of *Farruckabad*, and that of course the examination would occupy but a short time. Mr. *Burke* said, that as the charge was to be put off, he would take the opportunity of moving to have the remainder of the *Farruckabad* papers printed. He explained, that they were so short, that the whole might be printed on one sheet of paper, and consequently be delivered in time against the day of going into the charge. He had something of importance to suggest to the House in respect to the steps which appeared necessary to be taken in regard to the impeachment of Mr. *Hastings*, but he would not proceed to state his object till a right honourable gentleman should be present in his place. Mr. Burke,

Mr. *Burke* then moved, "That such part of the correspondence relative to *Farruckabad* as have not already been printed, be printed for the use of the House." The same was agreed to.

Mr.

Mr. Beau-
foy.

Mr. *Beaufoy* (according to order) reported from the Committee of the whole House, to whom it was referred to consider of so much of His Majesty's most gracious speech to both Houses of Parliament upon the 23d day of January last, as relates to the treaty of navigation and commerce between His Majesty and the Most Christian King, the resolutions which the Committee had directed him to report to the House; which he read in his place, and afterwards delivered in at the table, where the same was read a first time. The Speaker put the question, "That this Report be now read a second time," when

Mr. Sheri-
dan.

Mr. *Sheridan* remarked, that he considered himself obliged to trespass upon the patience of the House whilst he adverted to some particulars, respecting which he thought it highly necessary that the right honourable gentleman should give satisfactory answers previous to any final decision concerning the resolutions contained in the Report which had been just read. What first he wished to be satisfied about, was the consolidation of the duties on the customs, which, if he had understood the right honourable gentleman correctly on Friday, he meant to mix and blend with the business of the commercial treaty. If this were really the right honourable gentleman's intentions, it would surely be highly improper for the House to give their vote for the second reading of the Report, before they were in possession of the additions which were meant to be made to it, and much of addition he conceived there would be, as there were, he supposed, several other resolutions absolutely necessary to be submitted to a Committee of the whole House on the other parts of the treaty, for, those contained in the Report, the right honourable gentleman would recollect, were confined merely to the articles stated in the tariff. Another matter which he must again mention, and to which he had received no express answer, though there was something like an answer contained in one of the right honourable gentleman's speeches, was, that proposition which appeared to him to be indispensable and incontrovertible: that a new commercial arrangement with Ireland must be set on foot as a consequence of the commercial treaty with France. The right honourable gentleman had given them to understand that he had no objection to hear of the Irish propositions: whether that was the fact or not, (Mr. *Sheridan* said) he was persuaded that when the right honourable gentleman first introduced the business of the commercial treaty, the Irish propositions had been upon his mind throughout the whole of that long speech. Certain he was, that some arrangement between Ireland and England must take place in consequence of the present commercial treaty; because, after the right honourable gentleman

man had himself stated with a proper disdain of the idea which the Court of Portugal took up respecting Ireland, (with regard to her not being included in the Methuen treaty, that she ought to be considered within the spirit and meaning of that treaty, and that it was a main part of the negotiation now on foot with the Court of Lisbon) it was scarcely possible to suppose that the right honourable gentleman had himself negotiated a treaty with France, without having meant that Ireland should have the benefit of the treaty, because that would have been to have excluded Ireland from the benefit of the French treaty, exactly in the same manner as the Court of Lisbon had excluded Ireland from the entire benefit of the Methuen treaty. The idea of giving France privileges and advantages in Great Britain, which Ireland could not claim, was so monstrous and absurd, that he could not entertain it as possible to have been in the right honourable gentleman's intention. Another material point required some more explanation than it had received, and that was, whether or not the hovering act was not affected, and its provisions done away, by the 25th article of the treaty? A right honourable gentleman had said, that it was not at all affected by the present treaty, but he had accompanied the assertion with no argument whatever.

Mr. Chancellor *Pitt* observed, that as to the hovering act, and the idea that its operation as a check on smuggling was to be suspended, the answer of his right honourable friend (Mr. Grenville) to that question was fully sufficient. It was by no means the intention of the parties that those salutary checks against illicit trade, contained in the hovering act, should be done away or weakened; on the contrary, it was the wish of each of the Monarchs to prevent, as much as possible, the continuance of any such practices between both kingdoms. With respect to the proceedings intended to be followed on the business on concluding the treaty in that House, there was nothing more necessary for them to do than to agree to the several resolutions contained in the report from the Committee, and which only went to a confirmation of the tariff. The honourable gentleman had inquired whether it was in contemplation to frame any new arrangements of a commercial nature with Ireland, and to make such arrangements a part of the system now to be adopted. But as that was in a great measure to depend on the disposition and inclination of the sister kingdom, and as it was in all respects to be considered in the nature of a new and totally distinct treaty, it was a subject which on the present occasion he thought it highly improper to discuss.

Mr. Grenville expressed his persuasion that the hovering act was not in the smallest degree affected. After his explanation

Mr. Chancellor Pitt.

nation

nation of the meaning of the 25th article of the commercial treaty, he charged Mr. Sheridan with having misconceived its meaning.

Mr. Sheridan.

Mr. *Sheridan* answered, that the explanation of the right honourable gentleman had not given him the least satisfaction whatsoever. He was a little amazed also at the silence of the right honourable gentleman himself, who, he thought, would have deigned on questions of so much importance to have favoured the House with an immediate elucidation of the point. He thought it impossible that so monstrous a proposition as the giving greater privileges and advantages to France, in the home market of Great Britain, than Ireland either enjoyed, or could claim, was intended; but he could not see how Ireland could be said to be entitled to all the advantages of the present treaty, without its having been so stipulated in the treaty. Mr. Sheridan animadverted on the terms of the articles of the treaty, and contended that Ireland was no where mentioned, excepting only as to her linens in the sixth article. He instanced the article of the tariff respecting brandies, where no mention was made of Ireland, and several others. Mr. Sheridan made a great variety of remarks upon the treaty, which he termed a most incorrect production, and said, he lamented the absence of the right honourable negotiator, as he should have been glad to have heard from him the meaning which he had in view where he had not expressed it clearly. He mentioned the part which he had taken with regard to the Irish propositions, upon which he had more frequently divided with the Chancellor of the Exchequer than with the right honourable negotiator (Mr. Eden.) The present treaty was so directly in the teeth of the evidence given by the manufacturers at the bar of the House, when the Irish propositions were under consideration, that he presumed when the negotiator of the treaty returned to his duty in that House, he would publicly declare his conviction of the error of almost every one of the opinions which he had maintained on that memorable occasion. He supposed that this right honourable gentleman had sent circular letters round to the manufacturers, and declared that he had not abandoned one of his commercial doctrines, though he had, *pro hoc vice*, adopted new ones, and made the treaty turn upon those new commercial sentiments, of which he had probably informed his friends of the Chamber, and at the same time had said, that he would renounce them when he came back to England. He hoped that he should hear no more of a charge of confidence and ignorance from the right honourable gentleman, who must be confident and ignorant beyond all example, if he thought that no more resolutions were necessary to be moved

ved on the treaty with France. To convince him that there were various additional resolutions necessary, he would bring down a string of resolutions, and submit it to him and to the House, whether they were not absolutely necessary to be moved in a Committee.

Mr. Chancellor *Pitt* answered, that he felt it difficult, although he was himself the sufferer, to avoid smiling at his own awkward situation;—a situation into which he was unmercifully thrown, by the honourable gentleman's complex and confused manner of putting his questions, which had afforded the honourable gentleman an opportunity of censuring him for answering some parts of them, and for not answering others, although he had given him no clue by which he could be enabled to distinguish which of his questions he thought required an answer, and which not. The honourable gentleman had gone farther, and had found fault with him for his patience in sitting still, and not interrupting him, although he confessed the unprovoked asperity which the honourable gentleman had used in speaking of him, would, if he could feel any thing from the honourable gentleman's asperity, have been a sufficient temptation for him to have interfered in his self-defence. He could not help observing on the instructions which he received from the honourable gentleman, that they were so conciliating, so winning, so sincere, and seemed to have so little of any intention of gratifying the person who delivered them, and to be so entirely calculated for the benefit of the person to whom they were addressed, that he could not but return the honourable gentleman his warmest thanks for the obligation he had conferred upon him,—and he should endeavour to return the obligation, by giving the honourable gentleman as full an answer as he was able to the question, concerning which he seemed so anxious, relative to Ireland. That country was undoubtedly entitled to all the benefits of the French treaty; but it was entirely at her own option whether she might chuse to avail herself of those advantages; for it was only to be done by her passing such laws as should put the tariff on the same footing in that country as it was stipulated should be done in this. Had the adoption of the treaty by Ireland been a stipulation necessary to be performed before it could be finally concluded on by this country, then this country would have been deprived of all the benefits resulting from it in the event of Ireland's refusal. As to the objection of the honourable gentleman, that there was no stipulation that Ireland should reduce the duties on brandy, and that of course she was not to be entitled to the equivalent advantage consequent on such reduction; that, he said, was the most unfortunate objection that could possibly have

Mr. Chancellor Pitt.

been made, and proceeded from a perfect misconception of the subject. It was not a stipulation that the duty on brandy should amount to seven shillings a gallon, for such a stipulation on the part of France would be highly absurd, but it was a stipulation that it should not exceed that sum. Now, the fact was, that at present the duty on brandy in Ireland did not amount to near seven shillings, and therefore to couple the stipulation relative to the duty on brandy in Ireland with that in England would be perfectly ridiculous; for in England the stipulation was, that being now at nine shillings, the duty should be reduced to seven at the utmost; and would the honourable gentleman expect that a stipulation should be made for Ireland to make a reduction on her duty from the smaller sum already paid them to the greater, which was to be paid in England. Having put the absurdity of such a proposition into the most striking point of view, he proceeded to shew how the article of brandy was to be affected in Ireland, should that country adopt the treaty, which was, that it should there be stipulated that the brandy of France should from hence forward be admitted to the market in Ireland on the same terms as from the most favoured nation.

Mr. Sheridan.

Mr. Sheridan declared, that he was not conscious of having used any asperities, or expressed himself petulantly, angrily, or in a stile unbecoming any member of that House; and if the right honourable gentleman felt that he had, he had indeed afforded him a piece of instruction, for which he was sure the House would think he ought to confess himself indebted.

Mr. Sheridan now went into an examination of the 6th article of the convention arguing from the words, that it contained a contradiction in terms.—The preamble of that article set off with saying, that by the 43d article of the treaty, it was stipulated that, a convention relative to that article should be concluded immediately after the signature of the treaty, whereas the 6th article of convention does not settle the matter of the 43d article of the treaty, but talks of an ulterior convention to be settled within the space of two months. Mr. Sheridan contended, that the convention was not the convention which had been stipulated for by the 43d article of the treaty, and that as an ulterior convention was now to be settled, they ought to wait for that previous to their decision.

Mr. Grenville.

Mr. Grenville explained that the ulterior convention related merely to Consul Generals, Vice-Consuls, &c., and could in no manner whatever affect their decision upon the treaty. Mr. Grenville took some notice of what had been said relative to Ireland, and the Irish propositions, arguing that

that great good might result to Ireland, if she passed laws adapted to the regulations of duties contained in the tariff.

Mr. Flood said, that he could assure the right honourable gentleman and the House, that he felt no extreme anxiety for the obtainment of any benefits for Ireland through the medium of a treaty, to which he had so many objections on the ground of its being disadvantageous to Great Britain. He had on a former day stated, that if the sentiments of the manufacturers remained unaltered, they could not but be adverse to a treaty with France, founded on principles so transcendently more injurious to their interests, than the principles of the former treaty with Ireland. Nothing could be more self-evident than that if the reasoning of the manufacturers had been right on that occasion, and their apprehensions had been justifiable, the same style of reasoning would apply more forcibly on the present occasion, and their apprehensions would be still more justifiable. With regard to the Court of France understanding that Ireland was implied and comprehended in the present treaty, although it was not so declared in express words in any part of the treaty, he asked what security had Ireland for her share of the advantages or privileges which the treaty held out to Great Britain, if either privileges or advantages were likely to arise from it, any more than she had for the Court of Lisbon's extending to her the advantages of the Methuen treaty, which it was well known she had refused to suffer Ireland to participate, in violation of the spirit and meaning of that treaty, and which breach of treaty on the part of Portugal, although it had been five years in negotiation, no redress had been obtained for Ireland. Mr. Flood stated his conviction, that the commercial treaty was neither likely to be a benefit to Great Britain nor Ireland, and he thought a stronger proof of its objectionable invalidity could not be stated to the friends of Ireland, (and every honest Briton must be the friend of Ireland, because her interests were so deeply involved and interwoven with the interests of Great Britain, that they were inseparable considerations) than the extraordinary position in which the commercial treaty would place the two countries of France and Ireland, by entitling France to commercial privileges and advantages in Great Britain to which Ireland was not entitled, and by entitling Ireland to greater privileges and advantages in France, than she could obtain in Great Britain.

Mr. Grenville declared, that Great Britain had two years ago made a liberal offer to Ireland, which the Parliament of that misled and infatuated people had been persuaded to refuse. He never would admit the doctrine, that therefore

Great Britain had no right to treat and conclude a commercial treaty with France, adapted to her own commercial circumstances, without considering herself as a dependent on Ireland, and consulting her previously upon the subject. Mr. Grenville went into a recapitulation of the parliamentary transactions of the year 1785, respecting the commercial arrangements then agitated in favour of Ireland, and consulting her previously upon the subject. He said that the offer of Great Britain had been more liberal than it perhaps ever might prove again, and that it ill became those who had principally stood forward in the Parliament of Ireland to persuade that assembly to reject the offer, to be afterwards among the foremost to endeavour to prevent this country from carrying into execution a treaty with France, which was concluded with a view to the benefit of Great Britain. Ireland had been favoured with an early option of solid and substantial advantage, and Ireland had rejected the offer — under circumstances of great delusion, and under artful misrepresentations of the real nature of that offer, he was ready to admit; but having rejected it, till she saw her fatal delusion, and was from conviction of the value of what she had been so unhappily persuaded to refuse; induced to ask Great Britain to give her a second option, she had not the smallest pretensions to complain of neglect of her interests on the part of Great Britain; and the more especially, as the present commercial treaty with France had been concluded with an eye to her interests equally with the interests of this country, as it lay with the Parliament of Ireland to decide for themselves, and if they thought the treaty advantageous to that country, they had it in their power to make it so, by passing laws adapted to the stipulations in the tariff.

Mr. Flood.

Mr. Flood answered, that he could not have conceived it possible for three or four natural expressions to have drawn down upon him an animadversion, delivered in so high and imperative a tone. Being a native of Ireland, and having the honour to possess a seat in the Parliament of that kingdom, he had thought it his indispensable duty not to sit silent, when so much had been said on the subject of Ireland, and its commercial interests; but he plainly saw, that if any man professed himself to be the real friend of Ireland, he was to be reprehended and stigmatized as the enemy of Great Britain. He had before declared, that he was a friend to both countries, and had said that every honest Briton must be the same. The right honourable gentleman had contended that Great Britain was not the dependent of Ireland; it was undoubt-

doubtedly true; but was Great Britain not bound to take care of the interests of every part of the empire? The Parliament of Great Britain was the imperial Parliament. Was it not then the indispensable duty of that Parliament in every great national measure to look to the general interests of the Empire, and to see that no injurious consequences followed to the peculiar interests of any part of it. If this were admitted, would any man say that Ireland was not to be considered on the present important occasion! And why,—because the Parliament of Ireland had rejected, and rejected with disdain, the commercial treaty of 1785. The right honourable gentleman had told them that in 1785 Great Britain made a liberal offer to Ireland. This was the first time that it had been owned, that the treaty of 1785 was the offer of Great Britain; at the time the right honourable gentleman (he believed) had called the measure the Irish propositions, and stated them as coming from Ireland. He had now confessed the fact, and acknowledged (more perhaps than he meant to admit) that the propositions were English propositions, sent originally from hence to Ireland, then sent back and ultimately returned from England in a shape widely altered from their original appearance. The right honourable gentleman had talked of delusion, and hinted that those who endeavoured to open the eyes of the Parliament of Ireland, were ashamed to avow their conduct. The right honourable gentleman was mistaken. He gloried in the share which he had taken in that transaction. The offer had been insidious, and under colour of commercial advantage, the constitution of Ireland was endeavoured to be bartered away. Mr. Flood next took notice of what he termed the right honourable gentleman's declaration, that till Ireland asked to have the propositions revived, she was to expect no favour from Great Britain. He said that it reminded him of the declaration of the right honourable gentleman (a member of that House) in an eminent situation in Ireland, who had obtained an address as a sanction of the measure, and who triumphantly told the House of Commons of Ireland, that in less than three months, when the people were undeceived, and the delusion in which they had been involved cleared up, they would come in numbers to the House, execrate those members who had been most active in opposing that mass of propositions, some parts of which they had been told was English, some part Irish, some commercial, and some political, and earnestly implore their revival. To ensure this triumph, some thousand copies, accompanied with the address to the Lord Lieutenant, had been printed and disseminated throughout the kingdom of Ireland, but to that day, no man had

had ventured to mention the revival of the propositions in Parliament, nor was it at all likely that they should. Mr. Flood said, that he hoped it would not be thought that he had obtruded the subject of Ireland upon the House. It had been agitated for a considerable time before he interfered, nor should he have said thus much had he not thought that his silence would have been deemed a dereliction on his part, of a cause which it would ever be his pride to assist in maintaining and supporting. There was something so high in the tone of the right honourable gentleman, that it struck his ear as extraordinary; he could not imagine that the right honourable gentleman meant any thing personal, but he begged leave to say, that no man living should brow beat him, or awe him into an unbecoming silence.

Mr. W.
Grenville.

Mr. *W. Grenville* said, that in the first place he hoped no man would believe that he meant to brow beat the right honourable gentleman; and far less could he have intended to have stood up as professing to entertain any sentiment inimical to the interests of Ireland. To the contrary he professed and felt a warm affection and sincere regard, grounded on principles of personal gratitude for past kindnesses and attentions to himself, and on a variety of dear and interesting considerations. In the progress of the Irish propositions through that House, he had been actuated by those principles, and had stood up as the friend of Ireland to stem the torrent of prejudice, to resist and oppose the objections of interested individuals, and to reason into silence and conviction the groundless alarms and apprehensions of those manufacturers who, misled by factious men, were taught to be terrified at imaginary evils, and to expect dangers never likely to happen. Mr. Grenville stated the object and end of the Irish propositions to have been, for Great Britain to grant to Ireland as full a participation of her commercial advantages as could be permitted consistently with her own safety, and to secure a suitable return. The idea of its being intended to assume the power of legislating for Ireland, he contended, was nothing more than an empty phantom, raised by the machinations of sophistry to frighten the parliament of Ireland from accepting one of the greatest boons ever offered to one country by the impulse of the liberal and affectionate feelings of another.

Mr. Fox.

Mr. *Fox* reprobated the idea that nothing beneficial to Ireland was to be thought of, because she had refused the propositions of 1785. He entered into a detail of the nature of those propositions, stated his own conduct respecting them, and concluded with moving, by way of amendment, that the words, "this day se'nnight," be inserted in the motion, instead of the word "now."

Mr.

Mr. *Pelham* seconded the motion, declaring, that he should have moved it, had not his right honourable friend made such amendment. He took notice of that part of the treaty which referred to the Methuen treaty with Portugal, stating several cogent arguments to prove, that our connection with the Court of Lisbon was of the most serious importance. Among other bad consequences of a rupture between Great Britain and Portugal, he instanced the danger of our suffering the Family Compact to be still farther strengthened; a circumstance which he described, as by no means improbable, since the grandson of the King of Spain had lately been married to the Infanta of Portugal. At length, the question was put, and the House divided; Ayes, (that the word "now" stand part of the question) 158. Noes, 70.

The resolutions were then read a second time, and the question put upon each respectively.

Mr. *Francis* asked (when the cambric and lawn resolutions were read) why the prohibition on laces was not taken off. Answered by Mr. Grenville and the Chancellor of the Exchequer that it was.

The resolutions on muslins and millinery induced a conversation on the East-India Company's affairs, between Mr. Fox, Mr. Dundas, Mr. Francis, Major Scott, and Mr. Baring.

At length, after a desultory conversation, it was agreed to in toto.

Mr. *Beaufoy* gave notice, that he would to-morrow move for an address to his Majesty, informing him, that in compliance with his most gracious speech, they had entered into the consideration of the commercial treaty with France, with which, after due deliberation, they had come to a vote of concurrence.

Mr. *Burke* rose to bespeak the attention of the House to a matter of considerable importance, and which he thought it incumbent upon him to suggest, though he did not mean to conclude what he had to say with any formal notice or motion. The subject he wished to call their attention to, was the impeachment of Mr. Hastings, the proceedings on which were now arrived to that sort of length that seemed to make it necessary that some step should be taken, in order to render the person and property of Mr. Hastings amenable to justice. At present, though a most respectable and decided majority of their Committee had solemnly determined that there was matter of impeachment in two of the principal, most serious and most weighty articles, that had been exhibited before the Parliament, or rather before the House of Commons, Mr. Hastings was at his full liberty, participating

ing freely in all the enjoyments and pleasures of social life. After the House, therefore, had fixed substantially its stigma, which was surely a grave and considerable degree of censure, it became them, for the sake of their own justice, for the sake of justice to the party, and, from a variety of considerations, to proceed, as soon as the circumstances of the case would admit, to put the matter in a way to have final judgement passed. The affairs and transactions of India, in which the facts criminally charged on Mr. Hastings had been under the consideration of that House above seven years; and the proceedings relative to the impeachment had now been going on for two sessions, in the course of which, as he had before mentioned, two charges implicating and involving a considerable share of criminality, had been investigated and affirmed. In all matters of criminal justice, two things ought to be avoided with the utmost caution, precipitation and rashness in urging accusation and pushing forward to decision; and on the other hand unnecessary delay and tediousness in proceeding to obtain a trial of the charge, after it had been determined upon solemn and minute investigation of the alleged criminal facts, that there were strong grounds for accusation. The slowness of their deliberating upon the alleged criminal facts, and the cautious minuteness of their inquiry into their validity, were matters of notoriety; but those circumstances he considered as likely to give them advantage in their future proceedings towards the obtainment of judgement. Mr. Burke declared he had not formed any distinct and ultimate idea what would be the most adviseable mode for the House to pursue, but it certainly behoved them to take some steps to manifest to the people of Great Britain, whose eyes were fixed upon them and upon their measures, in a matter of so much importance, as well to let it go forth to the persons with a view to do justice to whom, though living in a remote quarter of the globe, that House had taken such proper pains, that they were in earnest, and that they intended to bring the prosecution to a serious issue, with all the dispatch that decency could warrant. In the present case, from perhaps a laudable candour, the House had not proceeded after the old established precedents in cases of impeachment, but had formed themselves into what might properly be called a Committee of inquiry, in order to ascertain whether there were fit grounds of impeachment or not; they had now found that there were grounds, and having done so, the sooner they resorted to the ancient mode of proceeding the better. Their mode of proceeding hitherto, whatever difference of opinion there might be as to its propriety, every man who knew any thing of the usage and practice of Parliament in cases of impeachment, must agree that it was altogether

Mr. *Burke* contended that if it was to be established as a Mr. *Burke*. rule that no person who might be afterwards impeached should give evidence relating to that on which he might be impeached, it would be impossible to gain any evidence. Mr. *Hastings* had destroyed all official information; no evidence could be gained there; it must then be procured from his confidentials, of whom Sir *Elijah Impey* was one.

Mr. *Burke* added, that, upon this occasion, he must be regarded as certainly not the least insignificant party concerned, and therefore it was material for him, as prosecutor of Mr. *Hastings* to lose none of the rights of prosecution; the prosecutor could not insist on the evidence criminating himself; nor was it to be supposed that Sir *Elijah* would be led into any self examination. That gentleman was not as ignorant as a poor rustic, he had filled important situations. If his evidence should be objected to, it would answer to saying, you shall not be seen for fear of being cramped; a judge, a learned man, to be embarrassed by an unlearned man, is not probable, it cannot be done. He was private secretary to Mr. *Hastings*, and was possessed of the principal correspondence relative to *Farruckabad*. If gentlemen contended against admitting Sir *Elijah Impey's* evidence, he certainly would take the sense of the Committee upon it. Parliament examined the *South-Sea Directors*, and afterwards impeached them.

Mr. Chan-
cellor Pitt.

Mr. Chancellor *Pitt* observed, that his right honourable and learned friend (Mr. *Dundas*) rather referred his arguments to the opinion of those gentlemen carrying on the prosecution, than meaning to take the sense of the Committee. Mr. *Pitt* was of the same opinion with Mr. *Dundas*, but had no objection to Sir *Elijah Impey's* being examined—he thought it would be proper for the chairman to give notice to Sir *Elijah Impey*, that it was probable he might be impeached, and that the circumstances on which he was to be examined might be connected with the charges against him.

Mr. Burke.

Mr. *Burke* had no objection to the chairman giving that information to Sir *Elijah Impey*. He contended, that if a Minister was impeached, it would not be thought improper to examine the Secretaries of State, though an impeachment might be lodged against them for their share in the business. He was certain that if an impeachment was lodged against the right honourable gentleman (Mr. *Pitt*) which he sincerely hoped to God would never happen, either for corruption in office, for speculation, or even for the French treaty, the Secretaries and his other colleagues might be called on for evidence, though they might themselves be afterwards impeached.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* observed, that if such evidence was not suffered to be taken, it would disarm justice; and he should be ashamed of any Minister who held a contrary doctrine.

Mr. Phipps

Mr. *Phipps* said, that whenever Sir Elijah Impey refused to give evidence, it would then be in fact evidence against himself. He thought public justice might go on without such severity; and if Sir Elijah Impey was examined, he would not stay in the House, and he would take care not to look at any papers which had his evidence, as he would not be biased by such evidence, taken from an unprotected King's evidence.

It was at length agreed that the Chairman should inform Sir Elijah Impey, "that a criminal prosecution might be instituted against him for extra-official, and other conduct, during his residence in India, and that the circumstances on which he was to be examined, may be connected with the charges which might be exhibited against him." Sir Elijah Impey was then called, and the Chairman having given him the above information,

Sir Elijah Impey.

Sir *Elijah Impey* said, "I thank you, Sir; but being conscious of no guilt, and having part of my conduct which I wish to secrete, I have no objection to give the Committee the fullest information in my power."

Mr. Burke then proceeded in the examination; after which, and Mr. Middleton's examination, the House adjourned.

Wednesday, 21st February.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* gave notice that he would, on the ensuing Monday move for the House to resolve itself into a Committee of the whole House, to take into consideration certain resolutions for the consolidation of the duties on customs, &c. and that he should on that day also move, that the resolutions from the Committee on the commercial treaty, lately reported, and agreed to by the House, should be referred to the said Committee.

Mr. Pelham

Mr. *Pelham* desired to know, whether the right honourable gentleman meant to unite the consolidation of duties and the resolutions on the commercial treaty in one bill, or to keep them separate, and make each the subject of a distinct bill.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* answered, that any member whatsoever must, like himself, remain totally at a loss to discover the future nature of the decision of the House in the matter alluded to by the honourable gentleman; which ever way appeared to the House most proper to adopt, undoubtedly that must

must be the way followed. In his opinion the uniting the two objects in one bill would be the properest proceeding, as they were necessarily relative to each other, and, in some degree, immediately connected.

Mr. *Blackburne* remarked, that as the treaty had, undergone a considerable degree of discussion, he would not attempt to take up the time of the House, by going into a detail of its merits, but would content himself with observing; that it appeared to him, from the most serious attention which he had been able to pay to it, to be likely to become productive of the most beneficial consequences to Great Britain. The blessings of peace would be rendered more permanent, a circumstance highly fortunate and desirable after so long and so unfortunate a war. In the course of the discussions which had taken place upon the subject in that House, he observed that great stress had been laid upon the opinion of the manufacturers: He was therefore extremely happy to be able to assure the House from his own knowledge, that the manufacturers of the county which he had the honour to represent, not only approved of it, but were exceedingly anxious that the treaty should be carried into execution with as little delay as possible. As a proof, that these were the sentiments of at least a very large description of manufacturers, Mr. *Blackburne* produced an authentic letter, which he had that day received by the post from Manchester, and which, he begged permission to read to the House. He accordingly read the following letter:

Mr. *Blackburne*.

Manchester, Feb. 19.

“ At a special meeting, held here this evening, of the
 “ Committee of Fustian Manufacturers,
 “ Resolved unanimously, that as several Resolutions have
 “ been published in the London Papers, by the general
 “ Chamber of Manufacturers of Great Britain, expressing
 “ doubts relative to the expediency of the treaty of com-
 “ merce lately concluded between this kingdom and France,
 “ and a petition signed by some of the members of the
 “ Chamber having been presented to the House of Com-
 “ mons, praying Parliament to defer the consideration of the
 “ said treaty, until the petitioners shall have time to satisfy
 “ themselves relative to several points alluded to in the said
 “ Resolutions and petition,
 “ We, the Committee appointed at a General Meeting of
 “ the Fustian Manufacturers, for the purpose of corres-
 “ ponding with the Lords of the Committee of Council,
 “ respecting the commercial arrangements between this
 “ country and France, think it incumbent on us to declare,
 “ that no person has been appointed by us as a Delegate to
 “ the General Chamber of Manufacturers.

“ That after the most mature deliberation, we are unanimously of opinion, that the commercial treaty between Great Britain and France will be highly beneficial to the cotton manufacturers of this town and neighbourhood, and we hope and trust, that Parliament will with all proper expedition proceed to render the said treaty efficacious.

“ By order of the Committee,
“ JOHN KEARSLY, Chairman.”

Mr. Blackburne now moved an Address in the following words:

“ That an humble Address be presented to His Majesty, assuring His Majesty that we had taken into our most serious consideration the provision contained in the treaty of navigation and commerce, concluded between His Majesty and the Most Christian King; and we beg leave to approach His Majesty with our sincere and grateful acknowledgments for this additional proof of His Majesty’s constant attention to the welfare and happiness of his people.

“ That we shall proceed with all proper expedition in taking such steps as may be necessary for giving effect to a system so well calculated to promote beneficial intercourse between Great Britain and France, and to give permanence to the blessings of peace.

“ That it is our persuasion that we cannot more effectually consult the general interests of our country and the glory of His Majesty’s reign, than in concurring in a measure that tends to the extension of trade, and the encouragement of industry and manufactures, the genial sources of national wealth, and the surest foundation of the prosperity and happiness of His Majesty’s dominions.”

Captain
Berkeley.

The honourable Captain *Berkeley* remarked that he could not second the motion without declaring, in the same moment, that it gave him singular satisfaction to express his hearty and sincere approbation of one of the best, and he would say, one of the most popular commercial treaties, into which this country had ever entered. The honourable gentleman who made the motion, had produced a copy of a letter stating in the most unequivocal terms, the due sense which the fusian manufacturers of Lancashire entertained of the treaty of commerce lately concluded with the Most Christian King; and he had also in his hand authentic papers from the manufacturers of a county, not the most inconsiderable for its valuable woollen manufactures, the county which he had the honour to represent. The woollen manufacturers of Gloucestershire had communicated their sentiments to him upon the subject, and had requested of him to state their entire satisfaction with the treaty, and their earnest

ness wishes to have it speedily carried into execution. Nor was it from the sentiments of the manufacturers of this county alone that he collected his opinion that the treaty held out the most flattering prospect to Great Britain; he collected it in an equal manner from the manufacturers of France. The manufacturers of the towns of Rouen and Abbeville, two of the greatest woollen manufacturing towns in all France, had assembled and solemnly declared, that if the Parliament of Great Britain approved of the treaty, and carried it into execution, their manufactures must be ruined; so little able were they to cope with British manufactures, and bear on a competition with them in any market. Having stated this, Mr. Berkeley took notice of the various arguments used to prove an infraction of the Methuen treaty, or that it was done away entirely. He denied that the commercial treaty with France contained any thing which could affect the Methuen treaty, or alter our situation with Portugal in any degree whatsoever. Now if the fact were true, that it had been said in another House of Parliament, that Portugal was at that time negotiating with France, for the latter to monopolize all her Brazil cotton, in that case he should contend that Portugal was guilty of an infraction of the treaty, and that we had consequently a right to complain of a breach of faith in Portugal, instead of Portugal having any cause of complaint to alledge against Great Britain. It was, he believed, customary, on such occasions as the present, to pay a compliment to the Minister of the day, and he would avail himself of the usage, by declaring that he held in his hand a testimonial of the grateful sense which the manufacturers of Gloucestershire entertained of the meritorious conduct of the right honourable gentleman near him, in having made a treaty, in the highest degree flattering to the manufacturers of Great Britain. This compliment was the more valuable from its sincerity, since it was well known that the inhabitants of the county of Gloucester had been adverse to the right honourable gentleman, when he first came into office, but that they now confessed themselves converts to his spotless integrity, and were convinced that he was the heir of his great father's eminent public virtues, and had no object in view but the good of his country.

Mr. Grey (member for Northumberland) now remarked Mr. Grey. that it was not without reluctance that he rose for the first time in this House, to stand forward in debate upon a measure, which, from the vast variety of interests it embraced, from the extent of knowledge it comprehended, and, above all, from the total change it must occasion both in the political and commercial systems of this country, may appear to require more serious argument and more solid information than
he

he could be supposed to possess. Fully impressed with a sense of its magnitude and importance, he had hitherto remained silent during the different stages of discussion through which it had passed; nor should he now have presumed to trouble the House, but that a circumstance had lately come to his knowledge, which appeared to him to be of the most serious moment, and which he thought it his duty to disclose to the House, as an additional caution to them to proceed with the greatest circumspection, and not to preclude themselves by a premature decision (for the address now moved appeared to him to be absolutely decisive) from exercising at any future period their undisputed right of rejecting, if it should appear wise to them to do so, the treaty that has been laid before them. Before he opened this circumstance, however, he should shortly advert to the arguments used by the honourable members who moved and seconded this address.

Both of these honourable gentlemen laid great stress on the general acquiescence of the people; but as the proof of that acquiescence was founded only on universal stillness throughout the nation, Mr. Grey said that he must beg leave to object to a negative argument of that sort, as he never could admit that a silence of complaint can be construed into positive approbation. Their next argument was derived from the approbation of the manufacturers whom this treaty most immediately affected, and both produced such documents from their respective constituents as would not give him room to doubt of the fact. However, he must object to this argument also, as he should at all times to the authority of any men, who, though intrinsically honest and upright, are, from their situation, open to the impressions of personal advantage. For his own part, he could have no doubt, but, from the present allowed superiority of our manufactures to those of France, we should derive a temporary advantage; and it was this circumstance which ought to make us the more cautious in paying a too implicit belief to the opinions of manufacturers who may have their minds divested from a consideration of the future consequences of a system which holds out to them a seducing prospect of immediate gain. But, more particularly, must he object to an admission of their opinions at this moment in favour of the treaty of navigation and commerce with France, when he found them directly contradicted by their evidence given upon oath on the subject of the Irish propositions. And indeed the principles laid down by them at that season weighed infinitely more with him than their present opinions, when he recollected that they then had sufficient time for mature deliberation, without the influence of present interest to warp their judgement or bias their understandings. But the right
honourable

honourable gentleman who seconded the address, had, to the approbation of the English, added the dissatisfaction of the French manufacturers, as a concurring argument to prove the good effects which we might expect would follow the conclusion of this treaty. That honourable gentleman was most fortunately situated to collect documents of both, of the first, as representative of a great manufacturing county, and of the last, (he imagined) through the medium of some French connection. He expected, however, that he at least would have rested his arguments on more substantial grounds, and being personally interested in the prosperity of our navy, hoped to have heard from him in what manner this treaty was likely to increase our maritime strength, and extend our navigation. But the right honourable gentleman had been totally silent on that head; and Mr. Grey added, if he could prove to him, that, so far from increasing our marine, this treaty was big with absolute ruin to it, he trusted that he would give up the temporary interests of manufacturers to those more solid ones, in which consist the power and glory of Great Britain.

It had been contended, that this treaty was to do away our antient jealousies and antipathies, and introduce a system of amity and good will to be productive of those advantages to both nations, which may be naturally expected to flow from a mutual interchange of good offices. But was this a time for laying aside jealousies, when our enemy was more than in a situation to extend that power which must ever be regarded as most dangerous to our interests? Was there any one who really believed in the fair profession and seducing promises of the Court of France? Was there any one that could suppose, that, in the advantages held out to us in this treaty, (if advantages they were) she could have any but an insidious view?

Aut ulla putatis

Dona carere dolis tenacem?

Mr. Grey said, that he would not go in search of the numberless instances which might be quoted, where we had been deceived and out-negotiated. He had in his hand a recent proof, drawn from the very moment when this negotiation was pending, in the midst of these fair professions and cordial assurances, in which the right honourable gentleman opposite placed so much confidence, which sufficiently proved what the view of France had been in the negotiation of this treaty.

A right honourable member (Mr. Flood) who spoke in the second debate upon this subject with equal eloquence and ability, warned this House against enabling France, by the means of this treaty, to secure to herself the trade of America.

rica. That right honourable gentleman foresaw, that, by the credit we should afford her, France would be able to supply her own want of capital, and making herself the depository of commerce between us and America, to carry it on in French bottoms, to the equal advantage and increase of her own marine and the diminution of that of Great Britain. But though that right honourable gentleman argued wisely, and foresaw what was probable, it appeared that he little thought that his apprehensions were actually realized, and that this favourite, he believed he might say this principal, object of the Court of France in the negotiation of this treaty, was already in part completed. On the 26th of September the treaty was signed by Mr. Eden; on the 22d of October a letter was written by Mr. de Calonne, with the King's authority, to the American Minister, Mr. Jefferson, for this very purpose: it was to this that he alluded in the beginning of his speech, and with the leave of the House he would now read it.

A Letter addressed to Thomas Jefferson, Esq. Minister Plenipotentiary of the United States of America.

S I R,

Fontainebleau, 22d October 1786.

AS it is the intention of the King to assist the commerce of the United States as much as possible, I have the honour to communicate to you some measures which have been adopted in relation to it.

In a letter of the 9th of January 1784 to the Marquis de la Fayette, I acquainted him, that instead of two free ports promised to the United States by the treaty, the King had determined to allow them four, which has been just put in execution; and I promised him to give my attention to the customs and duties upon exports which embarrasses commerce, observing to him at the same time that this object required very great pains in the accomplishment: it is not yet completed. In another letter I informed him, that his Majesty had taken off the duties upon the exportation of brandies, and I hoped that this suppression would be useful to the American commerce; and I promised him also, that the duties of the King and the admiralty, which were to be paid by an American vessel upon her arrival in the French ports, should be diminished, and that what remained of them should be reduced to a single duty, to be regulated according to the number of masts or the draught of water, and not after the too uncertain estimation of gauging. This reduction requires an exact knowledge of all the duties which are collected in the ports, and as they consist of a
great

great number of different sorts, the statements which I am now procuring of them are not yet finished.

You know, Sir, that the King has appointed a particular committee to examine into our commercial connections with the United States, and that the Marquis de la Fayette has presented to them a system analogous to the ideas which are expressed in your letter to the Count de Vergennes; but you perceive how imprudent it would be to hazard, by a change of system, the produce of a branch of revenue which amounts to 28 millions, unless it were in a case of the greatest necessity. After a full discussion of every circumstance which can operate at this time in favour of the importation of the American tobaccos into France, it has been determined, not that the contract with Mr. Morris should be frustrated, but that after the expiration of it, no contract of the same kind should ever be made, and that in the mean time the farmers general should engage to purchase annually about 15,000 hogsheads of American tobaccos, coming directly from the United States in French or American bottoms, at the same prices and upon the same terms which are stipulated in the contract made with Mr. Morris.

You will recollect, Sir, that during the time when resolutions were forming upon the subject of the applications made in favour of the whale oils, the M. de la Fayette had made a particular agreement with Mr. Sangrain, that he should receive remittances of that article to the value of 800,000 livres, and that I had granted him passports to discharge this first cargo from all duties whatsoever; the same Mr. Sangrain afterwards made a contract with the merchants of Boston for 400,000 livres per annum for six years, for which his Majesty promised the same advantages which are enjoyed by the Hanse towns.

This subject having been lately examined in a more general point of view, the Ministry to whom the Committee had given an account of their plan, conformable with the M. de la Fayette's request and your opinion, for the entire abolition of all duties upon oils, have determined that this plan cannot be carried into effect at present by reason of engagements subsisting with other nations. They have only been able to insure the same favours and the same moderation in respect to duties for ten years to the whale oil, the spermaceti, and every thing comprehended under those denominations, coming from the United States in French or American bottoms, which the Hanse towns enjoy.

His Majesty hopes that the commercial connections between the United States and France will become so extensive as to induce him to continue the effect of this provisional decree; and as it has been observed in the Committee

that a considerable manufacturing duty was collected on the most favoured whale oil, and indeed upon the oils of this kingdom itself, his Majesty agrees to abolish this manufacturing duty with respect to the whale oils and spermaceti coming directly from the United States on board American or French vessels, so that these oils and spermaceti will only have to pay, in consideration of all duties whatsoever, during ten years, a duty of 7 livres 10 sols, and the 10 sols per livre; this last addition of 10 sols per livre only to continue until the year 1790.

It has been determined to make particular inquiries into the consumption of Carolina rice, in France, and to take measures to encourage the importation of it.

In consequence of representations which have been made to him of the considerable duties laid upon the pot ash and pearl ash of America, as well as upon the skins and furs of the castor, and upon raw hides, his Majesty has suppressed all the duties laid upon these articles of the growth of the United States and coming from thence on board of French or American vessels. He will also attend to giving due encouragement to all the branches of the fur trade.

His Majesty has also consented to discharge from all duties the masts, yards, timbers of all kinds, the red cedar, the green oak, in a word, all woods made use of in ship-building coming from the United States in French or American bottoms.

The Committee having also represented that there was a duty of 5 per cent. upon the purchase of foreign-built vessels, and that this duty was injurious to the sale of American vessels, his Majesty has been pleased to take the matter into his consideration, and to exempt from all duties the purchase of vessels which shall be proved to have been built in the United States.

His Majesty has granted the abolition of the very heavy duties laid upon trees, shrubs, and seeds of trees, in favour of all the cargoes of them from the United States and shipped in French or American vessels.

As it has been represented that the state of Virginia is procuring a supply of arms to be made in France for their militia, regulations have been made to take away the prohibitions, which until this time have prevented the exportation of arms and gunpowder, as well as the duties required, in cases where particular permissions are granted, and to the United States liberty, when they shall so desire, of importing arms, fusils, and gunpowder from France, provided it be in French or American vessels, and that these articles shall be subject to a very moderate duty, intended only to calculate the exportations. Finally, his Majesty has shewn the

the same favourable disposition to the request made to the Committee to suppress the considerable duties which exist, at present, upon books and papers of every kind. His Majesty takes off all duties upon articles of this kind sent to the United States and shipped on board French or American vessels.

It is with pleasure, Sir, that I communicate to you these dispositions of his Majesty, which serve as a new testimonial to you of the desire which he has to unite in the most intimate manner the commerce of the two nations, and of the favourable attention which he will always pay to proposals which shall be made to him in the name of the United States of America.

I have the honour to be, with a sincere attachment,

Sir, your most humble

and most obedient servant,

(Signed) DE CALONNE.

Your nation, Sir, will doubtless be pleased to find the facilities which the King has granted for the export of Bourdeaux, de Guienne, and de Touraine wines, and the suppression of different duties laid upon them by different decrees of Council, with which the M. de la Fayette will make you acquainted.

Here (Mr. Grey observed) was a long string of concessions on the part of France, without the stipulation of a single article of reciprocity from America in return. America was not only put on the footing of the most favoured European nations, but greater advantages than any European nation enjoys were given to her by taking off the internal duties upon her oils. She was allowed to import arms, ammunition, and every warlike store, of which she might stand in need; in short, she received every thing that the kindest friend could give, or the most favoured nation could expect: for what did France stipulate in return? for nothing. But was this the effect of mere principles of benevolence in France? Did France really expect no equivalent? Yes, she expected an equivalent in a monopoly of that trade which we once enjoyed, and which supplied us with two kinds of our commercial marine. She expected an equivalent in the augmentation of her own navy, and the ruin of that of Great Britain. But it might be answered, that these concessions on the part of France did not interfere with our treaties, and that we could not prevent them. True, we could not; but we could prevent their ill effects in negotiating ourselves with America, a treaty that would give us at least a share in the advantages to be derived from a commercial connection with that country. And here it might be proper to ask Ministers what it was that prevented us from forming such a connection?

tion? Was it that it would be inconsistent with the political interests of this kingdom? No; for (Mr. Grey added) he would take upon him to assert, that no connection which could be devised would be so eligible for this kingdom, or so consistent with the views of true political wisdom. Was it then that America was averse to any treaty with Great Britain? Mr. Grey hoped that he should not be hereafter quoted as having said that he had a commercial treaty with America in his pocket, when he declared that, so far from that being the case, he had the best reasons for believing that America was both willing and eager to enter into negotiation with us on fair and equitable terms. But it might be proper to examine a little nearer the conduct of France on this occasion. Mr. Eden was sent over to Paris to negotiate a treaty of navigation and commerce. Pending that negotiation, a proclamation was issued from hence excluding American ships from British ports. Did France take advantage of this step which tended to separate and alienate still farther from us the minds of the Americans to court them at that time into his ports? No; that perhaps would have opened too soon the eyes of this nation, and perhaps impeded the conclusion of this treaty to which her most ardent wishes had ever been directed. She waited therefore till Ministers were so far pledged, that they had it no longer in their power to recede, till they were completely hampered in this negotiation; she then offered these fair ones, meaning thereby to secure to herself a great commercial mine, and raise (he must once more repeat it) her navy on the ruin of that of Great Britain. Here then was a glorious instance of the pacific disposition of the Court of France; she negotiates with us a treaty, a tempting treaty (as it had been called) by which she cuts us off from the rest of Europe, and precludes the possibility of our fortifying ourselves by any new alliances, while she obtains an absolute ratification and acknowledgement of the Family Compact, secures herself at the head of a formidable confederacy, avowedly hostile to our interest, and lays the foundation of a future trade in an exclusive trade with America, which under such advantages must inevitably become superior to ours. Mr. Grey added, that he trusted gentlemen would see this in the light he did, and that we should no longer be so blind to every thing which we had read, to every thing which we had seen, to every thing that we had felt of French perfidy; to all which experience, derived from the history of past times, taught us; to all which our sufferings at this moment proved, or to the authentic evidence of the paper which he had now produced, as to imagine that the French could have any other object in view than this only one to which their constant and invariable policy had always been

been directed, the aggrandizement of their own country on the humiliation of this. The end of France had ever been the same; it was only at this moment that she adopted the plan of a more enlightened policy, to secure that object to which her former efforts had been incompetent. It was not that this ambition had changed its nature, and when on the point of being completely gratified, had at once exchanged its former qualities for principles of forbearance and moderation. It was not that France, convinced of the injustice of her former conduct, was willing to make an atonement to this country, by granting us a fair partition of mutual advantages, in order to establish an equal and permanent system of peace. It was, that she had at length discovered that policy is preferable to force; that Court enmity, under the mask of fair professions, is more sure in its effects than open violence; and that, by negotiation and intrigue, a fairer and safer road is opened to the accomplishment of her main object, than by the vigour of her arms or her prowess in war. It was upon this principle that France had now changed her measures, but not lost sight of that which she had so long laboured to attain; and it was now her policy to separate, to divide, to insulate us from the rest of Europe; to render England not more completely an island in her local than in her political situation; to form an impassable gulph between us and America, with whom, upon every principle of mutual interest, we ought to be connected; and having thus disjoined and detached us from those powers with whom we ought naturally to seek for alliances, to wait till we shall be completely shackled in the fetters of this treaty, when she may pursue, uncontrolled, those schemes of power which have so often proved fatal to the repose of Europe, and which but for the efficient interference of her now debilitated rival, had gone well nigh to establish a system of universal dominion.

Mr. Grey now begged pardon of the House for having thus long trespassed on their indulgence, particularly as he had detained them from hearing the still more forcible arguments which might be expected from persons of much greater ability and experience than himself. He could not, however, sit down without begging that his conduct on this occasion might not suffer any misconstruction. He hoped that he should not be supposed to oppose this address from any want of personal attachment, or respect for His Majesty; as he should always be one of the first and most eager to approach the throne with sentiments of true loyalty and veneration. He considered this address, however, as including a final approbation of this treaty, to which alone his opposition was intended, as he really in his heart believed
it

it to be the most pernicious measure that ever was proposed to this House. The right honourable gentleman opposite to him would not, he hoped, imagine that he acted from any personal prejudice against him, or any party view whatever. He verily believed that the good of the country was what he had most at heart, and however we might differ in our opinion of what measures were most calculated to promote it, he trusted that he would render him the same justice, in believing that his conduct upon this occasion had not been influenced by any sinister motive.

Mr. Hawkins Browne Mr. *Hawkins Browne* declared that it was evident from the silence of the manufacturers, that they approved the treaty, an approbation in which he, for his own part, most heartily concurred. Indeed, the letter read by the honourable gentleman who moved the address, and what had been urged by the honourable gentleman who seconded it, were incontrovertible testimonies that the fact was as he had stated. Nay, he had it in his own power to corroborate and confirm the fact. He had the honour to represent a manufacturing town, and lived in a county where many of the great iron works were carried on. With those manufacturers he had conversed on the subject, and learnt from them that they were sincerely pleased with the treaty, and that they regarded it as a singular benefit to the trade and commerce of the kingdom. Indeed, it appeared to him rather extraordinary to state it otherwise, since the first and obvious consequence was, that we should have twenty-four millions of new customers; a circumstance which could not but tend greatly to increase the consumption of our manufactures, and to add to their demand; consequently to increase the calls upon the labour and industry of our manufacturers, and those employed in the various departments of their manufactories. The extraordinary increase of the sale of British manufactures could not fail to be productive of another consequence of infinite importance to this country, after her resources had been so much drained by the late unfortunate war: the consequence he alluded to was, a large increase of revenue. Again, a third material benefit would arise—a great stop would be put to smuggling and the illicit practices carried on between this kingdom and that of France. With regard to the letter, which the honourable gentleman who had spoken last, and spoken so ably, had produced, he did not see but that it told as much one way as it did the other. It proved the pacific disposition of France, and the wisdom of her conduct in extending her commerce.

Mr. Robert Thornton Mr. *Robert Thornton* begged leave to trespass upon the attention and indulgence of the House, while he stated his reasons for approving of the treaty. The political and the commercial

commercial parts of the treaty hung upon each other, and ought to be considered as blended and involved. What could it be which made gentlemen suppose, that, after the treaty was fully executed, the national jealousy would be less awake, and more off its ground, than before? Did they dread any opiates infused in the wines of France, or were they afraid that their intoxicating quality would remove the power of providing for national security? For his part, he saw no reason to fear imaginary danger; nor could he reconcile himself to the opinions of those who were anxious to deliver us over to everlasting enmity with France. Mr. Thornton commented on some of the speeches of Mr. Fox, and denied assent to all that gentleman's propositions. He maintained that it was wise for this country to enter into a commercial treaty with France, and stated his reasons, declaring that he was corroborated and confirmed in his opinion by one of the best writers of the age, Dr. Adam Smith on the Wealth of Nations. That author had written three or four excellent pages upon the subject, which any gentleman might easily find by turning to the index. Mr. Thornton differed from Mr. Grey in several particulars, and especially in respect to our marine and our navigation, declaring that the south and south-east coasts of Great Britain, and the north-west coast of France, were so conveniently situated, that almost as many returns could be made in a year, as by an inland trade, and exclusive of that immediate to and fro sail, we should retain all our circuitous trade to the rest of the globe.

Captain *Macbride* observed, that whilst he expressed his dislike to the treaty, he must acknowledge that he rested his aversion upon grounds dissimilar from those taken by most other gentlemen who disapproved of it. He would neither interfere with its commercial nor its political relations. What made him object against it was, that it more resembled a treaty concluded between France and the King of Prussia than a commercial treaty with France; and, as to a treaty of navigation, it had no pretensions to the title. The twenty-second article was one of those to which he most objected. The articles described in it as contraband, such as arms, cannon, &c. &c. appeared to be on the whole rather fit for a place in a treaty where the preservation of an army, than the care of a navy, ought to be the predominant characteristic. The thirty-fourth article was particularly injudicious. Having made this remark, he went into a professional detail, to shew what the practice had been, which formerly obtained in the respect to which the article reached, and contended that as the article stood, it would operate prejudicially in time of war with regard to the manning of

King's ships. Few men, he believed, understood that part of the profession better than he did, and he knew perfectly well that a privateer would, by the 34th article, be enabled to get his men sooner than the Captain of a man of war. Glaringly reprehensible was the folly of throwing any additional difficulty in the way of manning our navy. France, by the register of her seamen, had an evident superiority in point of quickness of filling her ships complements. France was at this time intent on taking care of her marine, and making preparations against a future war. Some of the most judicious regulations, that the wit of man ever devised, had been lately adopted in France for that purpose; and not the least of her good plans in this respect was that of her sending out ships on cruises, merely to exercise the old officers, and train up young ones. In our service no such practice prevailed; on the contrary, the old officers were driven from the service in disgust, and young ones were not invited to enter into it. There never was a greater occasion for an inquiry to be instituted into the state of the navy than at present; and this conviction was so strongly impressed upon his mind, that he had resolved to embrace the earliest proper opportunity of moving for the institution of an inquiry of this nature.

Mr. Wel-
bore Ellis.

Mr. *Welbore Ellis* said, that, by the forms of the House, they were in all matters which concerned trade and commerce obliged to go first into a Committee of the whole House, and there move certain resolutions to be afterwards reported to the House; and, when the House had agreed to them, a motion was usually made to bring in one or more bills, as the nature and circumstances of the case might require. When the bill or bills had passed their usual stages, and had been read a third time, the business was over, as far as regarded that House. On the present occasion they had only got the length of reporting the resolutions, and the House having agreed to those resolutions, an address had been moved to His Majesty. No honourable gentleman approved more of going up to the throne with addresses, expressive of loyalty and duty, than he did; but he could not therefore agree, that it was any ways becoming or consistent with the forms of the House to go up with a premature address, while the business it went on was not ripe for such a procedure. The address which had been moved was final and conclusive. If voted, it pledged every honourable gentleman to support such bill or bills as it might be thought proper to bring in, grounded upon the resolutions of the Committee, out of which they had so lately come. In those circumstances, therefore, it would be a direct violation of parliamentary form to vote the address, and as the ad-
dress

drefs, if voted, would be premature and imperfect, and therefore improper to be carried to the Houfe, in order to refcue that Houfe from the awkward and embarrassed fituation in which they would ftand, were they thus irregularly to proceed; Mr. Ellis moved the previous question on the addrefs.

Mr. *D. Pulleney* remarked that, rifing, he was not impelled by any prefumptuous inclination whatfoever, either to contend againft the honourable gentleman (Mr. Ellis) in age, abilities, or experience; or to offer any naval answer to the honourable gentleman who preceded him. He conceived the doubts of one honourable gentleman were done away by the fanktion which the addrefs had received from the Chair; and that with refpect to the latter, if the treaty contained principles fo manifefly injurious to the navy, it fhould never have received fuch unreferved approbation from the honourable gentleman who had feconded the addrefs; a gentleman who was an equal credit to his profefion, and to the county which he reprefented in that Houfe. He would therefore plainly and fhortly proceed to the merits of the original question; and in the firft place, he could not pafs over the f Silence of the manufacturers themfelves, which he confidered as a ftrong fpecies of mute eloquence in favour of the meafure; but the Houfe of Commons would neither be controlled at any time by their groundlefs jealousies, nor acquiefce implicitly in their f Silence. The caufe was then in the hands of its legal and inquisitive guardians, and that caufe had been fully difcuffed by thofe who could have no poffible intereft diftinct from the great counties or manufactories which they were appointed to reprefent.

Apprehenfions had been fuggested in the Houfe refpecting the cottons: he had heard that the lofs of the cotton wool from the Brazils, and of that received through Flanders and Germany, might be exceedingly injurious to the manufacture. He much doubted the policy of fuch fuggestions in that Houfe; but he had the fatisfaction to fay, that he had likewife heard great commercial authorities in the Houfe point out new fources of fupply to replace fuch imaginary failures: he knew himfelf that the cheapnefs of the material was no certain affurance of cheapnefs in the manufacture; that when the cotton wool was much lower in France than in England, he had feen the Manchester goods worn in Normandy within a few miles of the principal manufactory of that country, fupported by occasional bounties; yet thefe goods had forced their way through Jerfey to Grandeville, and other towns on the coaft, in fpite of the expences of freight and the rifque of illicit commerce.—With refpect to woollens; till the foil of France was fo

altered by the hand of nature herself as to produce the raw material equal to our own, this was an article of produce as peculiar to England as the wines and brandies were peculiar to France; nor could the very finest cloths (a trifling part of the general manufacture) though curiosity and caprice might afford them a temporary introduction, long oppose with success their flimsy materials or superficial gloss to the more perfect and durable productions of the English loom. The articles of saddlery, of pottery, and of hardware were equally articles of English produce as long as the bark, the clay, and the coal were the productions of the English soil, in which we knew not of any rival. Mr. Pulteney then alluded to a suggestion from Mr. Fox respecting the danger to the beer, and concluded this part of his argument by quoting an old remark of Sir Robert Walpole, "that the landed interest resembled a sheep, whom he could shear at any time, and it gave him a rich fleece in silence; but that the trading interest resembled a more unruly animal, on whom if he laid his hand, though it was only to feel and improve his condition, much more if he attempted to pluck from it a single bristle, it raised such a grunting and outcry as to alarm the whole neighbourhood." Mr. Pulteney said, he presumed to make no such comparison; this however he might be allowed to say, that body of men were at least never distinguished for inattention to their concerns, yet they had raised no outcry on this occasion; he knew of no pretence for any outcry; he was convinced in his conscience, from all which he had heard on the subject, he was, in approving the address, giving the most beneficial vote to the trade of this country he ever should have to give within those walls. With respect to the political part of the question, a right honourable gentleman (Mr. Fox) had argued it with his usual dexterity and eloquence; yet, though he agreed with him in many of his premises, he was no convert to his conclusions. That France was the natural enemy, or to speak more gently, the rival of this country, he was ready to allow: he must be a novice indeed in history, even of the last ten years, who did not readily subscribe to such a position; he allowed that we ought to be jealous of all her measures, and prepared against the most wanton display of her ambition; but how were we to be prepared? by cultivating our commerce, that principal and main sinew of our national strength, which had hitherto been our support, and had enabled us to foil that ambitious power in so many campaigns. Gentlemen had reverted to the prevailing principles of the House at the Peace of Utrecht, and during the reign of the Stuarts; but granting that those principles were wise in that day, he

contended that the opposite principles were become equally wise in the present: many reasons for such his opinion were of too delicate a nature for public discussion, but one at least was too notorious. The superiority of commercial and manufacturing skill had, since those days, shifted from that country to this. Were we to carry on no intercourse but with our natural friends? Was America our unalienable ally? Were the northern powers who formed the armed neutrality? Was Portugal our assured friend, who captiously cavilled at the Methuen treaty and rejected the Irish woollens in the moment of our greatest embarrassment and distress? Yet he contended, that it was the policy of this country to cultivate an intercourse with each of these powers; it was our policy to cultivate a trade with France herself, if such trade could be conducted to the same ends; an encouragement of our industry, an extension of our credit, an employment of our capital, and, above all, a supply to our navy. With respect to the motion offered by the right honourable gentleman (Mr. Fox) in the Committee, for reducing the Portugal wines, he regretted not being able to attend its discussion, but he must at first sight condemn it, as a measure which would take from Ministers their responsibility, and disarm the executive government during the pendency of a negotiation; but with regard to the conduct of that kingdom, she might injure Britain, but she would ruin herself: she might perhaps occasion a temporary embarrassment to some of our manufactures, but if she rejected the offers of a friend who had shewn so many marks of sincerity and affection, she must in quitting that friend bury herself in the arms of her antient tyrant and inveterate oppressor. Mr. Pulteney alluded to Mr. Sheridan and Mr. Flood for assuming the language of Irish ambassadors during the discussions of the treaty, and running a race for Irish popularity in that House; he added some compliments to the kingdom and the administration of Ireland; and concluded by declaring that he should vote for the address as originally proposed, and of course against the previous question.

Mr. *Brandlyn* commended the general principles of the treaty in favour of commerce, policy, and revenue. From every inquiry which he had made on the subject, and every consideration which he had given to its nature and tendency, he was assured the result would be the ultimate and general interest of the trade and manufactures of the country: from this impression he gave his support to the motion.

Mr. *Sheridan* observed, that for the present he should wave all investigation of the general argument of the merits of the treaty, as he conceived the question before the

House respecting the address related to a measure so violent, so unprecedented, and so unparliamentary, that no other ground of opposition ought on that day to be taken, except to the irregularity and foulness of such a proceeding. There was however an observation or two which had fallen from the honourable gentleman who had just sat down, which he could not be wholly silent under, though he regarded those observations as merely among the trivial endeavours which the honourable gentleman had resorted to, in order to divert more successfully the attention of the House from the weighty suggestions which they had just heard from the honourable gentleman who had moved the previous question. For this purpose the honourable gentleman was, undoubtedly, in the right to propose any object to gentlemen's consideration, excepting the point immediately before them, to talk to them as a wool-comber, as a navigator, as a potter or a philosopher, or in any character but that of a member of the House of Commons, anxious for the credit and dignity of Parliament, and attentive to the preservation of those constitutional forms which were the best security for its privileges, and which were then, in fact, the only subject in debate. The single part of his digressions in which he would follow the honourable gentleman, was the insinuation he had thrown upon his motives, in having introduced Ireland as an object inseparably connected with the discussion of the present treaty. Mr. Sheridan defended his conduct in this respect, and commented on the expressions of another member, (Mr. Hawkins Browne) who had said, that Ireland could not expect the same concession as France from this country, because she had nothing to give in return; and concluded with a declaration, that it was his intention to bring this subject regularly before the House, when an opportunity would be afforded to gentlemen to support their insinuations by argument if they could, or a necessity to retract them upon conviction of their error. With regard to the honourable gentleman's allusion to his being a self-appointed representative for Ireland, he should only say, that he trusted some credit would be given to his acting independently of the influence of such a nomination; otherwise he must observe that it was a fortunate circumstance, that if the kingdom of Ireland had a representative in the British Parliament, the Lord Lieutenant was possessed of the same privilege; and he trusted that it would no more be suspected that he was influenced by prejudices in favour of the country he represented, than that the honourable gentleman was directed by a servile acquiescence with the opinion of his noble constituent. Mr. Sheridan then entered into the original argument which had been first suggested by him

him to the House, relative to the irregularity of proposing such an address as that which was desired to be voted, enlarging upon his former arguments, and declared that the real question was not, whether the French treaty was desirable or otherwise, but whether the vital and essential privileges of Parliament, connected with their deliberative and legislative capacity, should be sacrificed as a mere matter of compliment at the foot of the throne.

Mr. *Burke* contended, that the opinions of the manufacturers of two counties, however extensive and commercial, should not be taken for the sense of the people of England; and that every person must be aware of the disposition of traders to snatch, at all events, at any immediate advantage. With regard to the conduct of this country towards Ireland, he thought that every means should be used to draw together the bonds of union, and not to separate them by illiberal jealousy and revolting expressions. There was, indeed, one sovereign to the two kingdoms; and they spoke the same language; but that was not sufficient to keep them together without mutual confidence and a reciprocal exchange of good offices. He had heard nothing, for some time past, but panegyrics on the French—while our tongues were let loose in the foulest asperity against other states.—Ireland was an infatuated island—Portugal an unnatural, a base, a worthless, an ungrateful nation. We cling to France in proportion as we separate ourselves from all other states. But what are our panegyrics on the French? Do we commend them for their gallantry, their valour, their ingenuity, their power, their opulence, their policy, their wit? No. We praise them for their sincerity, their forbearance, their moderation, their truth, their kindness and good-will to this country! And we have taken a twelve years lease of all these good qualities. France, it has been observed, is a wise nation—and it is to be hoped that we are also a wise nation. But if this be the case, we have been a very unwise, a very foolish nation for near a century, to refuse constantly what, in our present fit of wisdom, we give up to France: not that he meant to say, we give up our manufactures to the French—on that head, he was ready to declare that he had no jealousy; nor did he conceive that France could, for a considerable time at least, rival our manufactures. On the contrary, he was assured that in various branches there were large orders from France, while, comparatively speaking, there were few, excepting in the article of wines, from Great Britain. Our capital gave us a superiority which enabled us to set all the efforts of France to rival our manufactures at defiance: the powers of capital were irresistible in trade; it domineered, it ruled, it even tyrannized.

tyrannized in the market; it enticed the strong, and controlled the weak. This capital, he asserted, was supported only by the universal partnership in which our funds, and the nature of our establishments, kept the immense property of this country. It was by keeping it dammed up from France, that this general partnership within the nation subsisted. The moment we admit France, she will immediately begin to insinuate herself into the partnership, and in the end come in for a share of the capital.—By means of the correspondence which might be established between the two countries, an alliance in commercial undertakings would soon blend the property of the two kingdoms.—In this we had reason to admire the depth of the designs of France: she was ready to put up with a temporary loss in trade, by the superiority of our manufactures, for a permanent, future advantage in commerce. Holland was a proof that commerce is more than a compensation for manufacture; and Germany was a proof, that with manufactures a state may be plunged into the abyss of poverty: for no commerce had subsisted there since a vessel was wrecked *on the coast of Bohemia!* The designs then of France were to allow us some present gain in the sale of our manufactures, for some permanent advantages which she promised to herself in commerce. Through her rivers and canals she intended to pour the commodities of England into other countries. She had already, by her politics, contrived to wrest our share of the Levant trade from us; and it was a part of her present design to divert the remainder from its former channel; and by supplying all the ports in the Mediterranean sea through the Seine, the Garonne, the canal of Languedoc, and the Rhone, to engross the carrying trade to the Levant, and to ruin our factory at Leghorn and our other establishments in those seas. Her conduct was similar towards America; which proved that she proceeds systematically, and makes her progress in a regular series. What could she expect from America in return for the bounties and free ports so liberally granted her? America could make no return at present; for she was totally unable to pay the debts she had already contracted with the French government and the French merchants. It is evident that it is for benefits which she has in prospect. What a reverse in the conduct of our government! We act wholly without system, and abandon Portugal for France, while it is in our power to form arrangements with both by no means incompatible with each other. France on the contrary points all one way—to the increase of her navigation and commerce.—The advantages she is to gain are political, naval, and commercial; ours will consist only in the sale of manufactures. But we

have

have been told repeatedly of the friendly disposition of France: she opens her arms, it is said, to receive us into her bosom; this might be said in more than one sense. She opens two arms to embrace you in the channel! It was not without astonishment (Mr. Burke added) that he considered the immense operations now carrying on at Cherbourg; they exceeded the pyramids of Egypt as much as the wisdom and policy of their designs exceed the idle vanity of the sovereign who caused those piles to be constructed. Their efforts were wonderful; they grappled with nature, removed mountains, overcame the ocean, to be enabled to look into Portsmouth. Yet we sat down in stupid insensibility of the danger with which we were menaced: we were deaf to the notice which was given us of our peril; it was in vain the alarm was sounded:

Aut hoc inclusi ligno occultantur Achivi,
 Aut hæc in nostros fabricata est machina muros,
 Inspectura domos, venturaque desuper urbi;
 Aut aliquis latet error —————

While the mill-stone is hanging over our heads, we talk of an union with France. But that she has little sincerity in such an union, may be inferred from the eagerness with which she increases her alliances; yet the temporary advantages of a little trade blinds the nation against its real interest, and renders it a prey to her delusions: they are treated like a woman who has been debauched, and is told, have you not fine cloaths, do you not enjoy all the luxuries of life, are you not caressed and courted, do you not ride in an elegant carriage, and live in splendid lodgings? How then are you ruined? The answer should be, she is ruined, because she has lost her reputation. It is the same with a nation: if it has lost its character, all is gone, and nothing remains but gaudy trappings to conceal its misery.—And it is of little consequence, whether this consists of fine cambrics, of rich scarlet or good black cloth, of silks or satins: the same principle holds good with nations as with individuals. When once a man has sacrificed his honour, in what respect is he better than a beast? What is he good for, but to fatten? To drink rich wines and wallow in luxury and riot?—Equally insidious were the designs of France in endeavouring to make a treaty with Portugal, to secure to herself the monopoly of the Brazil cottons: this was an indisputable proof of the insincerity of the French court. Our manufacturers might exult on the temporary advantage they would derive from the avidity of the French for English commodities; but if at the expiration of twelve years France should be found a large, commercial, trading and naval power, the merely temporary benefits of trade would, doubtless, become purchased

at a most shameful and alarming price: the price of irretrievable ruin to the country.

Lord Mornington.

Lord *Mornington* said it would not become that attention which the House would always pay to the feelings of their constituents, to proceed hastily on a decision, if a general alarm and apprehension appeared to exist in the minds of those whose interests were most materially affected by this important measure. Had any such apprehensions been stated in petitions to the House, they would have been considered patiently and respectfully, reserving however to the House the exercise of its own wisdom on the whole subject; for the Legislature, though it would never reject the petitions of men, interested in the subject of discussion, was not bound to a blind adoption of every fear which might agitate their minds. But if no such alarm did exist, (and that it did not was incontestible) he never could admit that the silence of the manufacturers, under all the circumstances of the moment, did not afford a strong and substantial proof of their approbation of the treaty. He then proceeded to state the circumstances under which the manufacturers had remained silent. He mentioned their disposition to stand forward where their interests were touched, which, he said, had been fully evinced in the recent instance of the Irish propositions. He asked, if it could be denied that every possible incitement had been applied to urge the manufacturers to the bar on the present occasion? He then enumerated (what he called) various attempts of the other side of the House, to extort complaints from this respectable body of men. He contended that they had first been charged with inconsistency, if they did not come forth to maintain the opinions which they had advanced against the Irish propositions, and which were asserted to point with equal force against the French treaty: their silence was contended to be a desertion of former opinions sanctioned by the solemnity of an oath; but when this tone of reproach was not found to have produced the intended effect, then a milder tone was adopted; they were told, that whatever private interest they might feel in the conclusion of the treaty, it was hoped that they would not suffer so unworthy a consideration to guide their judgements on this great question: the manufacturer was called upon in pathetic and elevated language to raise his mind above the low cares of his private interest, and to look to something more extended and more liberal; but when this appeal had been urged to the woollen manufacturer, and that he had looked beyond his own immediate interest to that of the cotton, of the hardware, of the iron, of all the principal branches of British manufacture, and had found all those concerned in the several branches individually contented with

with the treaty, and had drawn no unreasonable conclusion, "That as each great interest of British manufactures seemed content under the treaty, there was probably no great danger to the general trade of Great Britain," then he was told that he must not even stop here, he must take a wider range, and a more comprehensive view; he must look to the interests of the navigation and marine, and even to the balance of power in Europe. Yet, when neither this groundless reproach nor this artful flattery, which would put the manufacturer in the place of Parliament, had succeeded in bringing him to the bar, then a new species of argument was discovered. We had been told that there was no occasion to bring the manufacturers to the bar; we had no occasion for petitions; we had their opinions already in the most solemn and authentic form. The opinions delivered on oath on the Irish propositions applied with equal force to this question, and on the evidence delivered two years ago, on another subject, the House had been called on to decide the present question. Extreme, indeed, was the injustice which this mode of reasoning offered to the manufacturers. It must be remembered, that the House, though it had received the opinions of the manufacturers on the Irish treaty with due attention, had not acted upon them; and now these opinions were to decide the House on the French treaty—they had not been allowed to operate in the decision of the question to which they had been immediately applied; but having been recorded against the manufacturers, at the end of two years they were, by an interference and induction, in which the manufacturers had no part, to be brought to bear on a totally new question, and to decide it, against the real wishes of those, whose sentiments were thus perverted to a purpose so foreign from their original direction.

And now, when it appeared that the House was not prepared to adopt this last argument, it was as openly and broadly avowed, that the opinion of the manufacturers was of no sort of consequence, for that they were persons too deeply interested in this question to be allowed any weight in the decision of it. This confession was a complete desertion of the commercial part of the subject, and brought the whole to a political question. Much mention had been made of Ireland in the debates on this treaty. With all due deference to the talents and the eloquence of two honourable gentlemen, (Mr. Sheridan and Mr. Flood) he must beg leave to assert, that it would be a matter of no great difficulty to prove, in opposition to their opinions, that Ireland, after this treaty, would remain a nation more highly favoured in the British market than France. He added, that if Ireland were to enter into a treaty with Great Britain,

founded on the principles of the French treaty, her staple manufacture would be undone. He then made some remarks on the political part of the question, which he considered to be implicated with the commercial. He said, it had been eloquently urged, that whatever might be the commercial merits of the treaty, in a political view, it prostrated the majesty of this country at the feet of France, and deposed Great Britain from the throne of Europe. He answered, that the true majesty of Great Britain is her trade, and the throne of the commerce of the world is the fittest object of her ambition. He said, that the industry and ingenuity of our manufacturers, the opulence which these had diffused through various channels, the substantial foundation of capital on which they had placed our trade, a capital, which had that night been well described, as predominant and tyrant over the trade of the whole world, all these, as they had been our best consolation in defeat, were the most promising sources of future victory; and that to cultivate, to strengthen and to augment these could not be inconsistent with the glory of the kingdom. Regarding the treaty as aiming at these beneficial objects, he should vote in favour of the address, and thus sincerely express his approbation of a procedure by which the best interests of the nation were likely to become considerably and permanently strengthened.

Mr. An-
fruther.

Mr. Anfruther desired Ministers to produce a single instance from the journals that could in any manner be brought to bear upon so extraordinary a proceeding. He also met the argument of the silence of the manufacturers, and combated all which had been inferred on that ground, by declaring, that if the manufacturers had even been clamorous for the treaty, he should have considered it to have been his duty, and the duty of the House, to have nevertheless opposed the treaty, if upon due deliberation it should appear to have been injurious to the political interests of the country at large. That it would prove politically injurious to the arguments he had heard upon the effects which the treaty was likely to have upon our connection with Portugal, were sufficient to satisfy his mind fully; but he saw another danger, and that was, the danger which the treaty would draw down upon the very existence of our manufactures. It had been said, with a tone of confidence, that the treaty was to last but twelve years. Was that any argument? Did gentlemen consider that our knowledge of the cotton manufactory was but of twelve years standing; and if we in twelve years only from the date of our first acquaintance with the art, had brought it to such perfection, what reason had we to imagine that France might not in another twelve years (the very time of the duration of the treaty) become as skilful and

and expert in it as we were ourselves, and the more especially as France would have the amazing advantage of all our improvements in mills, machines, &c. &c. &c.? He concluded by declaring that the address once voted was nothing short of a pledge on the part of the House to vote bills which were not before them, and, for any thing they knew, that might be mischievous in the extreme to the political, the revenue, and the commercial interests.

Mr. *M. Montagu* said that the arguments which had fallen from the gentlemen on the other side of the House, in the course of the present debate, were principally directed to the commercial and political tendency of the treaty. In the detail of the former, they had met with so complete a refutation from much abler hands, that he would only touch upon one topic, the silence of the manufacturers. This expression was in the mouth of every gentleman: but could the unprecedented exertions in every branch to grasp at the benefits of the arrangement, be termed a silence with regard to the commercial merits of its provisions? No. It was in their actions that we were to look for the reason and unequivocal testimony of their approbation, rather than to deduce their supposed apprehensions from a strained interpretation of a former, perhaps mistaken, opinion, on a different subject, inapplicable to the present conjuncture.

With regard to the political tendency of the treaty, on which the gentlemen on the other side of the House seemed to dwell with more energy, it appeared only necessary to observe, that their apprehensions would, for the most part, be found to arise from premises created by their own imaginations. One honourable gentleman (Mr. Grey) whose abilities he was happy, as a personal friend, in an opportunity to acknowledge, had drawn an argument of alarm from a close connection entered into between France and America, and had blamed Ministers for not interfering with a negotiation to obstruct such an event. Had that honourable gentleman considered, that, in the present state of prejudice and animosity on the part of America, from late hostility and unexpired rancour, it was not so easy for Ministers to negotiate with a nation so alienated from its mother country. But that the silent operation of convenience would bring her, in the process of a short time, to that market which could best supply her wants, and give the most valuable equivalent for her produce. The skill of our manufacturers, by long experience in working for the American consumption, during our monopoly of that trade, had gained such a momentum in the employment of their capital to that purpose, as must bear down all opposition, whenever the market should be opened to fair competition. We had therefore little to fear

from any great comparative accession of strength to France, from her connection with America. A right honourable gentleman (Mr. Burke) had said, that the advocates of the treaty were so infatuated by the love of their darling object as to forget the language of Englishmen, and to enlarge in panegyrics on France, and to deal out invectives against Portugal. These panegyrics were probably to be found in the natural answers to the most unfair inferences from the treaty, of a desire in the negotiator to establish an intimate alliance with our ancient rivals. It was alledged, that France had, in the present instance, given a presumptive proof of her more pacific disposition to this country. In what? In adopting a measure which rendered it her interest to remain at peace. These invectives he imagined were the just complaints of injured benefactors, to that nation, who had defrauded them of that just proportion of reciprocity, to which Portugal was no less bound by the consideration of former important services on our part, than by express and literal agreement by the Methuen treaty on her own. The same right honourable gentleman had accused the defenders of the treaty of boasting that France was the dupe in this negotiation. Look at the principle of the treaty; it is to open the most extensive, the nearest, and, consequently, the most advantageous market to the industry of the two nations. The one will send her produce, the other her manufactures. If it had indeed been contended, that the exportation of manufactures, where the value arises from the operation of labour, was more advantageous than that of produce, did it follow that the nation who consents to receive those manufactures in return for an extensive consumption of her own produce, was therefore a dupe in that agreement? The measure of expediency in any proposed action was the prospect of advantage; the commercial advantages of the treaty could hardly be said to have been contended. The political disadvantage appeared to him to be chimerical and imaginary, founded on an absurd removal of reasonable distrust, and of a vigilant attention to national honour. *Timeo Danaos et dona ferentes* was the motto of Opposition. In his humble opinion, the least answerable plea to this was, What could be more practicable, and even more politic, than receiving with the one hand presents from our enemies, whilst in the other we cautiously held a shield to preserve us invulnerable, amidst all insidiously-concealed attempts to do us mischief.

Mr. Wyndham.

Mr. Wyndham said, that, in his opinion, it had been too much the practice to separate the distinct parts of the question of the commercial treaty from each other, and to talk of the commercial as opposed to the political part, and so on,

on, when in fact they mutually depended on each other, and could not well be viewed separately. He contended, that all arguments like that of an honourable gentleman (Mr. Wilberforce) on a preceding day, recommending the consideration of the commercial interests, as paramount to the consideration of the political interests, were inapplicable and injudicious. The political interest of Great Britain ought undoubtedly to be regarded first; as long as she pretended to a figure among nations as a political state, and so long as that should continue to be the case, cottagers were not the order and description of the people most proper to be appealed to as judges upon questions like that of a treaty with France. It was on all hands agreed, that the commercial treaty would operate a total change of system in our trade and commerce; it was therefore, in the broadest sense of the word, an innovation, and an innovation confessedly of the most important, the most comprehensive, and the most serious nature. It had already been contended, in debate, that, however the treaty, upon the face of it, reserved a salvo in favour of the Portugal trade, as carried on under the stipulations of the Methuen treaty, it must either medtately or immediately affect the trade of Great Britain and Portugal, which had been admitted to be of infinite use to this country, in respect to her export of salt fish, of a peculiar species of woollens, and a variety of other manufactures and merchandizes; and it must also, either directly or ultimately affect our trade to other countries. These were considerations weighty and momentous. The foreign trade of this country, as established previous to the conclusion of the commercial treaty with France, had been settled by the wisdom of our ancestors, as the most beneficial foreign trade which could be carried on by Great Britain; and it had undoubtedly been found extremely advantageous. All these circumstances therefore ought to be balanced before that House came to a decision upon a question of that magnitude; and the rather as our political consequence was not the slightest of the considerations which called for our most serious attention. Was that House prepared to sacrifice national greatness to commercial interest? Was it ready to risk a certain advantage for presumptive benefits, and to give up a real good at a considerable hazard, upon the uncertain hope of improvement, and of making that good better? Were gentlemen ripe to give up what had been hitherto considered as the wisdom of their ancestors, and to declare that for a whole century the country had been under a deception, and had been misled by an *ignis fatuus*? A spirit of innovation seemed to have uniformly actuated and governed the conduct of the present Administration. Examples of this disposition

disposition appeared in the East-India bill; the Irish propositions, and the fortification system of the last year. That spirit alone ought to excite the jealousy, and challenge the caution of that House, which certainly would not admit that innovation, in cases of extreme importance, ought to be grounded on political speculation merely. What satisfaction could be drawn from the experience of the present Administration? Political experience appeared to him to be inseparable from length of days and number of years spent in executive and ministerial offices. They all knew that some men were born poets, others orators; and indeed the right honourable gentleman himself, as well as the honourable gentleman behind him (Mr. Grey) who had first opposed the motion for an address, were instances that eloquence and argument were powers early grasped by young minds; but still, no man could instance a youth who was, all at once, a profound statesman; and the reason was obvious, early age and experience were contradictory terms, and what, in the nature of things, amounted to an impossibility. Neither having the counsels of experience to afford a reasonable prospect of security as to future consequences, nor any thing like a certainty that great disadvantage, politically, financially, and commercially, might not be the result of thus early, and without due deliberation, coming to any thing like a conclusive vote, he felt it impossible to avoid regarding it as the extreme of temerity to present an address to the throne, of which the manifest tendency was to tie down the House to they knew not what, and, at least, embarrass, if not cut off, their power of future deliberation.

Mr. Grenville.

Mr. Grenville entered into a detail of answers to the several objections stated against the treaty. Among the first was an answer to some observations from Mr. Burke. He was happy to hear the right honourable gentleman so eloquently, and with such unanswerable and irresistible force, describe the capital of our country to be such as would command a preference in our markets for our produce and manufactures. Had he endeavoured to have displayed the advantages of this treaty, it would have been impossible for him to have done it with so much truth, justice, and eloquence as the right honourable gentleman had employed. Stating that the capital of Great Britain was such as to govern, and even in a violent manner to command a possession of market, was certainly the best and most evident argument which could possibly be brought in answer to those who had contended that Great Britain would be rivalled in her markets by France in consequence of this treaty. With this opinion he perfectly coincided. Such was the capital and consequence of our produce and manufacturers, that he was assured we should pos-

self every advantage from the treaty, without France being able to enter into competition with us in any of our markets. With regard to what he had observed relative to the assortments which France would have, from a recourse to our market, and therefore be able to serve America, this certainly was equally in our favour. By our having recourse to her markets, we should be able to obtain assortments which would enable us to serve countries we could not supply before. Besides, admitting that America would not send us her orders, we should now have an opportunity of serving her through the medium of France. Many avenues of commerce would the treaty open in this manner.

As to the argument adduced by the right honourable gentleman respecting Cherbourg, he had only to answer, were we neglectful of availing ourselves of every means to increase our strength and resources of defence? Had we not particularly exerted ourselves to increase our naval defence? (Here several members on the other side of the House called out, hear, hear.) Yes, (he asked) were not our naval stores in the greatest abundance; were not our ships increasing considerably; and was not every method adopted to render our naval strength superior in every particular to what it had been known in any former period? An honourable gentleman (Mr. Wyndham) had stated that the manufacturers of Norwich having approved of the treaty, could not be considered as any argument in its favour; for their trade depended chiefly on foreign markets. Surely this was the greatest argument in favour of the treaty. If they found that it would increase their commerce abroad, it was certainly the greatest proof of the benefit which would accrue to this particular manufacture. This might likewise be applied to many other trades which depended on foreign markets, that would now be opened through the medium of France. The treaty was an intercourse in which Great Britain must necessarily find her capital, instead of being diminished, increased; for the additional markets which she would possess must certainly tend to increase her profits, and consequently her riches. Means of commerce, which we otherwise could never have obtained, we should acquire by this intercourse. While France was endeavouring to extend her markets, we must necessarily extend ours. Under these circumstances it was his decided opinion, that nothing could have been devised more essential to the interests of the country than this connection with France. By this means the blessings of peace might be prolonged, and the evils of war procrastinated. The means of commerce would be extended, and the resources of the country consequently increased. Our manufactures would necessarily flourish, and the nation become prosperous.

Mr.

Mr. Adam. Mr. *Adam* assured the House, that although a very long period had intervened since he addressed them on any matter of public business, yet he would not proportion the length of the time he was to consume to the length of his silence. It was not his intention to enter into the great and extensive question of the effects of the treaty. Even if he had time to devote to it, and were endowed with talents to illuminate, and eloquence to convey, the powerful manner in which that subject had been treated formerly by a right honourable gentleman, (Mr. Fox) the brilliancy and splendour which had been cast around it that night by two other gentlemen (Mr. Grey and Mr. Burke) would be a sufficient reason for him not to touch that part of the question, independent of the other motives; therefore, when he stated what he did not mean to speak to, the House would see he was to keep his word as far as want of premeditation, which commonly generated length, would permit. He did not mean to speak to the commercial, the political, or revenue parts of the treaty, but to the question then immediately before the House. He felt himself called to it, particularly by the words with which the gentleman who had spoken last (Mr. W. Grenville) concluded. The question had been stated by him to be new, important, and extensive. He believed it deserved all these different epithets, and, for that reason, a new, extraordinary, and unprecedented step should not be taken in calling for an approbation of it in the manner now done. He stated the question before the House, viz. that on the motion for the address, the previous question had been moved. The subject for the determination of the House, therefore, was, whether the question for the address, under all the circumstances of time, of manner of wording, and so on, was a fit question to be put. It was quite clear, that all those who were of opinion that the treaty in question was not a wise measure, would of course avoid voting for the address, by supporting the previous question; that all those who were of opinion that there had not been sufficient time to deliberate and inquire, would act in the same manner; but that it by no means followed, that those who were of opinion, that, in principles of policy, it was wise, and that the time for consideration had been deliberate, should therefore concur that this address was fit, and that the previous question should be rejected. On the contrary, he meant to shew, by the principles adopted by Parliament, and the invariable practice of the House, that the address ought to be resisted by all who had any regard either for the independence of the House of Commons, or the dignity or the honour of the Crown. He then stated, that he would endeavour to

shew the principles on which the House had passed addresses, and that the present address proposed did not fall within any of those principles. He said, that when the country was or was not likely to be engaged in war, the House had been in the custom of addressing the Crown, for the purpose of strengthening the executive hand of government. When the Crown, by the prerogative, had concluded a peace, provided that peace were either peculiarly favourable to the country, or had succeeded to a successful or glorious war, it had been common on such occasions to address the Crown as matter of approbation or satisfaction. In the discharge of the executive government of the country, when the Crown had been engaged in negotiation, it was customary for Parliament to encourage the efforts of the Crown by their approbation of those exertions in general; but they had been particularly cautious not to express themselves pending any treaty, in a manner to preclude their own free and unfettered powers of deliberation; and such addresses had on all occasions been kept in the most general terms, so as to avoid the possibility of any such construction. Even in time of difficulty and danger, when the war pressed, and negotiation was necessary to counteract the power and intentions of our enemies, they had been cautious in their expressions, in the addresses presented to the Crown, lest they should have precluded themselves from future deliberation. To prove this, he mentioned some instances of addresses to King William just before his death, when the same enemies who had threatened the liberty of Europe, had again threatened its power in the year 1700, and in the time of the war, which ended with the peace of Utrecht to Queen Anne, to shew that when treaties were the subject of address, even in times of imminent danger, the House was cautious in adopting words or expressions which could be deemed preclusive. He mentioned likewise the conduct of the House in the Union with Scotland. That subject, of the greatest importance to the two countries, had been long under deliberation. From the accession of King James the First to the reign of Queen Anne, it had been a subject of speculation and discussion, and it was at last brought forward in Parliament that addresses were voted concerning it. But they were uniformly in general terms; no pledge, no preclusion either to the Legislature of this country or that of Scotland. He therefore considered the precedents nearly as his honourable and learned friend (Mr. Anstruther) had stated them to be, invariably such as admitted a free discussion of the topics on which they proceeded. He had not heard one instance to the contrary, except that of the Irish propositions, which had not been stated in debate; but rather whispered across the

House by a learned and right honourable gentleman (Mr. Dundas). He had since looked into that precedent, and he pledged himself that there was not the least similarity between that address and the present, and not one of the points of objection to this address applied to that; the one pledged the House to nothing final, but left them open both on the words and from the nature of it. The words were inconclusive; there had been more complete deliberation, and the object was a treaty between the Parliament of the two countries; not a final approbation to the Crown of a treaty which the King had commenced.

He then read a paragraph from the Irish address to the following effect:

“ That after a long and careful investigation of the various questions necessarily arising out of this comprehensive subject, we have come to the several resolutions which we now humbly present to His Majesty, and which, we trust, will form the basis of an advantageous and permanent settlement between His Majesty's kingdoms of Great Britain and Ireland.”

He contrasted these words with the first paragraph of the address moved, and argued that the expressions of the former contained a more complete proof of serious investigation, independent of the circumstances of time and discussion which every body knew; and likewise that the words shewed the matter begun, not finished, approving, not precluding. He then stated with the last view another paragraph of the Irish address, to shew it was not preclusive, and contrasted that and the former, with the second paragraph of the address, which he contended was preclusive, and such as, from the words of it, destroyed the deliberative power of the House. In every future stage of proceeding, they must be prevented by this vote from discussing any matter which might occur. Ministers would have it in their power to tell them, whenever they attempted to debate the point in any subsequent proceeding, that their opinion was already given. Another material observation occurred on the Irish address. That address had been in consequence of mutual consideration and mature examination by the two Houses. On the present occasion the Lords had never had the subject under their deliberation. He said that he did not contend that the House was incapable of addressing, without the concurrence of the other branch of the Legislature; but that it was not a necessary consequence that because that House addressed, the other would; and if there should be any difference, it would be a most extraordinary and unprecedented thing to find that the hands of the Monarch were strengthened by one branch of the Legislature, and the same principle disapproved of by the other.

other. But he contended, that the great and leading feature was this, which should alarm and induce them to vote for the previous question : that there were future measures respecting the treaty for the House to deliberate upon, and that the words of the present address precluded them from that deliberation. If that was the case, the freedom of Parliament was violated, and the principles of its constitution betrayed. If not, and that they could deliberate again, suppose the result of their deliberation different, they got into a dilemma equally perplexing. By this address they invigorated the hands of the Crown, told all Europe that they approved of the treaty, pledged themselves to France, entitled the King of this free country to make a more decisive and determined proposition ; and if any future view of the subject should induce them to change their opinion, they could not express that without risking the disgrace of forcing their Sovereign to withdraw a pledge which their rashness and precipitation had empowered him to give. He concluded with saying, that the right honourable gentleman who had spoken before him (Mr. Grenville) had said that the situation of Ministers was new, and they had been called on for money and measures. No administration had ever delighted more in novelty and innovation ; but whether these novelties had been actually carried, or had been miserably abortive, he trusted that they would not be empowered by the vote of that night to add to the list, by voting an address new and unprecedented, unnecessary and premature in the present stage of the business, and, as he had attempted to shew, without a single precedent to direct it ; for as far as the principles of the constitution were to be drawn from facts, their voting the address would be destructive of that freedom of deliberation which it was the object of the forms of Parliament to protect.

Mr. *Wilberforce* complaining that he had been frequently misquoted and misrepresented, added, that some honourable gentlemen had chosen to understand, or, at least, to represent him as saying, that the House would cease to consider it as the political interest of the nation, that in no case alliances could be desirable. This was not altogether his meaning ; nor in sending gentlemen to the poor man's cottage, had he it in his wish to work on the feelings of the House, but to point out to them, by an appeal to fact, that what was the most successful and glorious to the country did but ill compensate to the bulk of the people the hardships to which it subjected them, and the perpetual burdens which it imposed ; believing that foreign connections often engaged us in wars, and often, too, failed us in the hour of trial. He conceived nothing could be more absurd than for the chance of those foreign alliances to sacrifice certain commercial advantages,

Mr. Wil-
berforce.

which, whilst they tended to make us really better prepared for war when we should be engaged in it, promoted, in the mean while, the domestic comfort and private happiness of the society. He next adverted to what had been urged concerning the sense of the manufacturers, maintaining that it was absurd to deny their being favourable to the treaty, because they had not made a formal communication of their opinions to the House, when every man must know their universal concurrence in the measure who had made the smallest inquiry. He now read a letter to his colleague and himself from a meeting at Leeds, expressive of the meeting's high approbation of the treaty, and desiring them to push it forward with all proper expedition. He desired, before he sat down, to state one argument to the House, and more particularly to his honourable friend (Mr. Wyndham) which had not yet been urged. It might lead the opposers of the treaty to suspect that party motives had too strong an operation on their friends in the judgement which they had formed. Many on that side of the House, he really believed, acted most strictly according to the dictates of their conscience; but what could so plainly demonstrate a spirit of party as the whole of their conduct and language on this occasion. They now in the strongest terms reprobated the idea of any commercial connection, or any harmonious intercourse with France. They stated it to be a system which it was reserved for the rashness of the present Ministry to introduce, it having often before been attempted, but always unsuccessfully; and when it had actually been tried in some of the worst periods of our history, it was soon discontinued as a system ruinous to the best interests of the country; yet he must appeal to the recollection of every man in the House, if the many persons who now urged these arguments had not in the beginning of the negotiations heard the proposition of the French treaty discussed with acquiescence, and even approbation? Why had they not from the first stated these terrible apprehensions which they now entertained, which he desired gentlemen would observe (because here lay the stress of the argument) were represented not to arise from any particular provisions contained in the treaty, but from an alarm at our making any treaty at all; any connection which could bear the name of friendly, with a power whom we ought to keep at arms length, and consider under all circumstances as a mortal and irreconcilable enemy; yet, so far from feeling these emotions of horror at the very notion, in the first instance, they had rather considered the scheme as one which Ministry were not sincere in their attempts to execute, representing it to be little more than a way of gaining over an useful ally to government in the person of the negotiator.

tor. But this was not all; for these very gentlemen themselves when in office drew up and ratified the definitive treaty of peace, in which a reciprocal commercial treaty was one of the stipulations, and they gave some pointed instructions to their Ambassador (the Duke of Manchester) to this very effect. How could this conduct be deemed consistent? Was he not warranted from it to conclude, that they suffered themselves to be solely actuated by a principle of party, and that it was impossible for his right honourable friend (Mr. Pitt) to bring forward any treaty, or any material measure, with which they would suffer their sentiments so thoroughly to coincide as to become followed by their full concurrence, and to which they would give their countenance and support?

Mr. *Young* said, that he could not avoid sincerely complimenting a right honourable gentleman (Mr. Burke) on the very able manner in which he had pressed on the House a just estimate of the great superiority of our manufactures over those of France, as well as the advantages of capital, whilst in competition for the market—but when he stated the great copartnership business of England, that concentration of landed and commercial wealth in one great capital, founded in the system of Banks and Bankers, who, being the depositaries of the landed rents, and general property of the subject, and converting those funds to purposes of discount, made all the riches of the kingdom subservient to trade, he could not but consider his conclusion at variance with such a position, when he afterwards said, that, by this treaty, we should admit France into partnership, and a beneficial share of this capital, to the immediate loss of Great Britain. The fact was, that if the first data of the right honourable gentleman were true, (and so he believed them to be) the commercial treaty would afford an immediate balance of trade in favour of England, and that balance of trade, adding to the national capital, would give fresh spur and vigour, and leave annually the competition more hopeless on the side of France, at least to the extent of such balance, whether 500,000 l. more or less, we should not have France for our partners, but be the Bankers for that and more. As to what fell from a right honourable gentleman (Mr. Flood) on the preceding Monday, relative to the value of our home market, as taking nine tenths of our manufactures, he should beg leave to urge, that occasions might offer in which the remaining tenth part might be of equal value almost with the other nine; for a marine armament, or, in other words, a navy, was not to be supported but on a commercial basis; that is, on an extensive system of exports and imports, and in this too our capital might serve us to naval purposes, as it might induce orders on credit, which
France

France could not give, and thus take the carrying trade from her. An honourable gentleman (Mr. Wynham) had mentioned the treaty in the light of an innovation, which should never be admitted on mere speculation, and without motives of necessity. But, it was to be feared that the necessity of pushing our trade to its utmost extent, was absolute and strong. The returns of our poor rates, probably 3,500,000 (or about) a fact which he adduced, and left with the gentlemen of the country to determine; namely, that from the consolidation of farms, the faculty of general migration to the capital, opened by our improved roads, and from other causes, the agricultural ground had not its former basis of employ for our labourers, and that a substitute must be found for their support, that not being (taking collection numbers) paid and sustained by the hand as before, we must find manufactures and commerce in greater extent than heretofore to feed and sustain them, and to keep up population and the spirit of industry.

Mr. Young concluded with some observations on what had fallen from Mr. Wyndham, as to the experience and years necessary to constitute the statesman, and fit him for such an enterprize as the present. He contended (and brought Mr. Wyndham himself as an example) that a man might be early an orator, and early a statesman, fixing his principles, and applying them to the general survey of states, and of their policy; but that other arts of a statesman did indeed require age; such as the arts of conciliation, and of corruption founded on an intimate correspondence with all kinds of men, and a deep investigation of the vices and foibles of the human heart, and which could gain men over, not only against their principles, but even against their interests.

Sir Grey
Cooper.

Sir Grey Cooper contended, that the point of the address now under consideration, by the force of the words in which it was expressed, became an irregular and unparliamentary proceeding, contrary to the rules and orders of that House in passing bills, and not supported by any one good precedent which bore upon the point in question. It was an unnecessary step in the order of proceeding for any other purpose but that of preclusion. He desired the House to consider in how different a manner their ancestors proceeded in the case of the commercial treaty of Utrecht. That treaty was laid before the House by a message from the Queen. A Committee of the whole House was appointed to take the 8th and 9th articles into consideration. After a long debate in that Committee, on the question that the House be moved for leave to bring in a bill to make effectual the 8th and 9th articles of the treaty of commerce, the question was carried by a very large majority, greater than on any vote on the pre-

sent

sent treaty. The bill was brought in and read a first time at the distance of a fortnight from the vote in the Parliamentary Committee. There was an interval of a week between the first and second reading of the bill. Petitions now came in from all quarters against the treaty. And the Committee on the bill sat for many days to hear the petitioners by their counsel against the treaty. The report from this Committee was received and agreed to. But on the question that the bill with amendments be engrossed, it was carried in the negative by a majority of nine. No address was presented to the Queen till after the rejection of the 8th and 9th articles. And then the address was to thank her Majesty for what she had done in the treaty of commerce with France, by laying so good a foundation for the interests of her people in trade.

Mr. *John Scott* said that he must beg leave particularly to animadvert on the speeches of his two honourable and learned friends (Mr. Anstruther and Mr. Adam), and to contend against the apparent absurdity of the positions laid down by the former, respecting the instability of our manufactures, which he instanced in the cotton branch. Mr. Scott insisted that the inference which his honourable and learned friend would fain draw from that argument was, that because it had existed only twelve years it would now be ruined. There was not the smallest shade of difference between the language and import of the present address, and that which had been voted during the discussion of the Irish propositions; the one saying, that after mature deliberation the House had adopted, and would take steps to carry into effect, certain resolutions; and the other declaring, that after serious deliberation, &c. &c. Mr. Scott then took a general view of the conduct of Opposition in the business of a commercial negotiation with France, and insisted that it was manifest such a treaty was in their contemplation when in office. He was happy that the measure was now effected in a manner which promised this country a very great accession of wealth, and which held out the most liberal encouragement to her artizans, whose industry, perseverance and skill, joined to their prodigious capital, must ever insure them the superiority. For his own part, he considered the address as signifying no more, than that those gentlemen who were of opinion that the measure which was the subject of it had been sufficiently discussed, and fully understood, should express by their vote that they approved of its tendency. He could see no reason for postponing the business, lest the present opinions of the manufacturers might, in the course of time, undergo a revolution. Instead of delay, the measure, in his opinion, called for prompt decision.

Sir *James Erskine* answered, that he must beg leave to point out the egregious misrepresentations which the honourable gentleman

Mr. John Scott.

Sir James Erskine.

gentleman who spoke last had been guilty of, in stating the words of the address on the Irish propositions, and that which the House was now called upon to vote. He urged a number of arguments against the treaty, and particularly against (what he termed) the giddy and unprecedented mode of proceeding which was adopted for hurrying it to a conclusion.

Mr. Powys. Mr. *Powys* pressed his marked disapprobation of the precipitate manner in which (he contended that) it was meant to bind up the House from the exercise of their most important and fundamental privileges, the right of discussing and deciding on every measure in the various stages in which it was usually presented to their consideration.

Mr. Fox. Mr. *Fox* reprobated the whole proceeding of that day, as in the highest degree unbecoming that House, and contrary to its ancient and established forms of proceeding. An honourable and learned gentleman had directed a good part of what he advanced upon that day, to the glaring perversion of the argument of an honourable and learned friend of his, and on that perversion the honourable and learned gentleman had grounded all his reasoning, with a view to render his honourable and learned Friend's argument ridiculous. The honourable and learned gentleman had studiously avoided repeating the words of the address on the Irish propositions, because the words were so different in their nature, and bore so opposite a construction to that which the honourable and learned gentleman had laboured to put upon them, that the bare correct recital of them would have proved, that his reasoning was false, and that the reasoning of his honourable and learned friend had been sound and undeniable. With regard to the address, of all the practices of Administration, it was the most alarming, the most dangerous, and the most unconstitutional. He would not, indeed, go so far as an honourable and learned friend of his had gone and agree, that if a single precedent could be found upon the Journals, for such a proceeding, he would relinquish the point, and vote for the address. There might be, and there undoubtedly were, various bad precedents upon the Journals in a great many instances. There might possibly, therefore, be a precedent for the present proceedings, but if there should be a precedent to be found, he would venture to say, that it must be a precedent to be reprobated, and not a precedent fit to be made an example. Mr. *Fox* reminded the House that the Address went to deprive the House of its legislative capacity, to preclude debate, and to render null and void all those forms which the wisdom of their ancestors had provided, as the parliamentary cautions and guards against surprise, and for the purpose of preventing any measure of a legislative nature from being hurried through the House, without ample deliberation and ample discussion. Had the business been

been brought on in the usual way, they should have enjoyed full time to know the option of the Manufacturers, and to discuss the subject again and again, before they came to a decisive vote upon it. In all cases of trade, the form of the House obliged the matter to be first submitted to a Committee of the whole House, where resolutions were necessary to be moved, and consequently where the matter was in the first instance open to debate. The resolutions, when agreed to, were reported to the House, and on the House's agreeing to the report, a bill was ordered in. Had that been the mode of proceeding adopted in the present case, instead of a premature address, the House would have had six stages to have discussed the subject in, before they came to their ultimate vote. The bill must be read a first time, it must be read a second time, committed, reported, engrossed and read a third time and passed; at every one of those several stages, the House would have found an ample opportunity of debating deliberately; whereas what was the case then? They were called on to vote an address which tied up their hands, which pledged the House to support whatever bill might be brought in, and precluded all future debate and all future discussion. This was an ill omen of our future intercourse with France; it was a bad beginning; it was adopting and copying the French constitution at the same time that we were about to take the French commerce. It was commencing our intercourse with France in a most inauspicious manner, and it was not more ungraceful than unnecessary, because the coming to a vote upon the address would not accelerate the conclusion of the proceedings on the commercial treaty; it would not forward them one hour. Would it not, then, on every account, have been more wise, more grave, and more becoming that House, to have proceeded in the usual way by bill, and after they had gone through all the six stages, through which a bill must necessarily pass, would it not have been better, in every sense of the word, to have then voted an address, and gone up to the Throne with it, informing His Majesty, that his faithful Commons had complied with his royal requisition in his speech to Parliament, and agreed to support the commercial treaty with France. Should the address unfortunately pass (which he flattered himself it would not) he must in that case, heartily wish that the House had been in a Committee, if it were only to save the Speaker from the shame and disgrace of going up to His Majesty and presenting an address. What sort of a speech could the right honourable gentleman possibly make, should he have the disagreeable task of attending at St. James's with the address?—With what an awkward feeling must the right honourable gentleman say, that His Majesty's faithful Commons had destroyed their own forms, and grossly violated

the constitution! Extremely unreasonable was it for the right honourable gentleman opposite to him, to press the motion on the address at that time, since it was evident that he would not get any forwarder by so doing. It was not delay that he was contending for, because the delaying the address could not operate as any procrastination of the measures to be taken for the conclusion of the treaty. Severe and unmerited was the contempt with which an honourable and learned gentleman had talked of the manufacturers who signed the petition on their table. They were not a few solitary manufacturers as they had been described to be, but men of undoubted character, and undoubted worth and honour. Men, who, when they came before that House, either as the delegates and representatives of others, or in their own individual character, were well intitled to be received, and listened to with attention. They had a right to be heard in every stage of the business, but how would the House be able to hear them after the address was presented, when they would be precluded from acting upon any information, however important, which Mr. Walker or Mr. Holmes, or any other of the subscribers, might lay before the House? Mr. Fox concluded with expressing his hope, that it would be the determination of the House to reject the address for the present, by agreeing to the question; since if they did not, they would not only make a bad precedent for that House, but as absolutely preclude the House of Lords from free debates as if they followed the example of Oliver Cromwell, and silenced that necessary and constitutional branch of the legislature.

Mr. Chancellor
Pitt.

Mr. Chancellor *Pitt* observed, that it had hitherto been usual for gentlemen on the opposite side of the House to oppose the treaty with France on commercial principles, as likely to injure the trade and manufactures of this country; but it now appeared, from the argument of a right honourable gentleman who had taken a very active part in the debate, and who had displayed a very uncommon share of ability (and by the by he had never before heard a subject handled on both sides of the House with greater ability than the present) it appeared from the arguments of that right honourable gentleman, that that ground of opposition was at length fully abandoned.—[Here, Mr. Burke shewing some inclination to interrupt Mr. Pitt, he begged he would hear him out, and then either contradict his facts, or dispute his inferences, which ever he thought proper; but not to attempt to do so before he had stated the one, or drawn the other.] He admitted, that in a commercial light the treaty appeared exceptionable, though with a view to manufacture it was salutary and advantageous—How such a contradiction could be reconciled or understood, was what, for his own
part,

part, he had no conception of; but from the way in which the right honourable gentleman endeavoured to make it out, it was evident that no such paradox could exist in the present instance, even if it could exist in any. The right honourable gentleman had endeavoured to shew, that by means of our great trading capital our manufactures were secured, but the very circumstance of the extensiveness of that capital would become the means of transferring the disposal of our manufactures from our own hands to those of France: this was a consequence of the enjoyment of a great capital, which he had never heard before, and which he believed would require a greater degree of proof than the right honourable gentleman's argument, however ingenious and eloquent, could possibly afford it. On the whole, he was convinced, that after what had appeared in that House—after the letters which they had heard read by gentlemen who represented those parts of the kingdom which abounded most in manufacturers, expressing not only the concurrence of their constituents in the measure, but their ardent anxiety for its speedy and immediate completion, when this express approbation of many was confirmed by the silence of almost all the rest, he was convinced that in a commercial view of the subject, that there was scarcely a possibility for any difference of opinion. The gentlemen who opposed the address had not, however, abandoned the other ground of objection on which they had formerly founded their opposition to the treaty—the evil tendency of its political operation. With respect to that, he agreed entirely with his honourable and learned friend behind him, (Mr. Scott) that the arguments on that view of the question, if they had any weight at all, went not to the delaying, but the entire rejection of the system. That question however had been so frequently debated, and (he believed) so generally understood, that it was not necessary for him to say any thing concerning it; and indeed any thing that he could say, would be only a repetition of what he had said himself already, and what had been frequently said by others, which however had been sufficient to prove, that the political effect of the treaty was not only not dangerous, but in every respect equally beneficial with its commercial tendency. But gentlemen finding all their objections to the measure itself perfectly untenable in point of fair reasoning, had that day resorted to a fresh argument, adapted to the present stage of the business, and calculated to impede and embarrass what they saw it would be impossible for them, with any tolerable prospect of success, fairly to oppose: they now attempted to complain, that there was an intention of coupling the introduction of a system of French commerce with an adoption of the principles of the French constitution.

tion. What! was there any thing slavish or inconsistent with the British constitution for the House of Commons to approach His Majesty with an address, informing him that they have taken into their serious consideration a subject recommended by His Majesty, as likely to produce the most happy consequences to his subjects; and that after the most mature deliberation, after giving every opportunity for those interested in the event to come and state their sentiments, and, if apprehensive of danger, to exert all means of opposition in their power, and being also satisfied of the nearly universal concurrence of their constituents, they are, after such deliberation and such necessary and constitutional delay, ready to co-operate with His Majesty in these measures, which, together with him, they think highly beneficial to the kingdom. So far from any abandonment of the spirit of the British constitution, this proceeding was such as no constitution but a free constitution could admit of. Gentlemen on the other side of the House had called for precedents, and had founded much of their argument against the address on the scarcity of such precedents; but he desired that gentlemen, before they insisted on any great number of precedents, would please to shew him that there had ever been many instances, in which it had proved necessary for that House to sanction by its concurrence any treaties entered into by the crown. The fact was, there were scarcely any such instances to be found: but he could, notwithstanding, produce a precedent clearly and decisively in point, and which at the same time was a stronger case than the present—a precedent of but two years standing. He supposed that he should be told, that such a precedent would lose its weight when it was considered, that it was established under an Administration, whose inexperience and ignorance had given rise to innumerable absurdities and blunders, of which this was one. But he desired gentlemen also to remember, that that Administration, inexperienced and ignorant as they might have been, had yet the advantage of the most vigilant, the most indefatigable, and the most uniform correction; and that from persons the most numerous, the most able, and the most united, that any Administration in this country had ever before the good fortune to meet with. There was no danger, therefore, of their ever falling into the errors consequent to inexperience and ignorance; for if at any time they should happen to mistake or forget their duty, they were sure of being set right, and that without any great degree of ceremony or tenderness, and consequently, though their errors might have originated in ignorance and inexperience, yet their persisting in them must be only the effect of wilful and obstinate disregard to the very seasonable admonitions which

which they were always sure to receive. However, as they had met with no such admonitions, with no such corrections from those gentlemen at the time of establishing the precedent he was going to refer to, he apprehended that any objection to the efficacy and validity of the precedent would come with very little force from the gentleman over-against him. The precedent he alluded to was, that of the address to His Majesty on the subject of the Irish propositions, by which the House had pledged its consistency to the passing of certain acts of Parliament for the purpose of carrying those propositions into effect. Mr. Pitt compared the two cases together, contending that they were exactly in point with each other, and that no objection could be made at the present period, which did not apply with equal authority to the former. He went over the complaint that had been made against Major Scott of perverting the words of the former address, in order to make it more applicable to the present, and affirmed, that he had stated it with perfect accuracy, except with the addition of one or two words, which words could not possibly be construed, in the manner attempted by the gentlemen on the other side of the way, into a wilful misstatement—those words being rather unfavourable to the conclusion than the contrary. As to the merits of the objection itself, “that the House would abandon its deliberative function by now concluding itself to a full and perfect adoption of the whole system,” he must observe, that in a case like the present it applied with very little force, for it was a case in which the deliberative function of the House was confined to the broad question, whether they should conclude and execute the treaty at large, and could not possibly enter into any discussion of the detailed parts of it, with a view to alter or amend them, but was under a necessity, either of rejecting or confirming the treaty *in toto*. The only point then for the House to consider was, whether the treaty, taken entire and with all its dependencies, was or was not worthy to receive the sanction of Parliament, or whether they had enjoyed sufficient time to weigh it properly: in that view he hoped and expected that gentlemen would consider the present question. If they thought the treaty bad for the country, it behoved them to vote against the address; and if they thought themselves not yet sufficient masters of it, so as to venture then to determine on its merits, it became their duty certainly to vote for postponing the address. But such gentlemen as felt themselves prepared to decide upon the treaty, that it was desirable for the country, and one to which they were at the present moment ready to give their full assent, it was certainly incumbent to support the address: nor could there be any thing improper in any person under-

undertaking to do at a future period not very remote, that which, if circumstances were sufficiently ripe, he should be willing to do on the present. He was surprised to hear an objection from the other side of the House, grounded on a tenderness for the rights and privileges of the House of Lords, and a complaint that the House of Commons, in committing itself on any certain specified measure, precluded the Lords from any other exercise of their judgement upon it—than its simple adoption or rejection, without entering into any question relative to its modification or amendment. In the first place, the House of Lords were, in that point of view, in no worse a situation than themselves, for they were only at liberty barely to adopt or reject the measure. But if this were not the case, it was perfectly clear that such a mode of proceeding would put the House of Lords on the most advantageous possible ground for the discussion of the subject—for, as the proposition was one which related to finance, and had for its object a regulation of duties, the House of Lords, if it were sent up to them in the shape of a bill, would not be at liberty to make any alterations in it; whereas, being sent to them only as a resolution, they would not by any means find themselves so circumscribed.

Mr. Sheridan.

Mr. Sheridan said that he meant to move a new question; the question of adjournment, in order that he might have an opportunity of proposing a resolution upon the subject of the extraordinary doctrines laid down by the Chancellor of the Exchequer, doctrines as new and as unconstitutional as ever were heard within those walls! If the right honourable gentleman had entertained the notion which he had just suggested to the House, the right honourable gentleman ought to have risen the other day, and declared that he did entertain such opinions, when he (Mr. Sheridan) had expressly said, that an address precluded the House from farther debate, and ought not therefore to be a measure proposed, till every other step had been taken, and the House had given its final vote. By his silence, when he had thus talked of an address, the right honourable gentleman had given his assent to his argument. The right honourable gentleman had told the House, that he could produce a precedent for such an address as the present, and had instantly mentioned one of his own. This was the great feature of the right honourable gentleman's administration, which commenced in proceedings directly contrary to the constitution, and had abounded with instances of outrage against it. But he nevertheless dared the right honourable gentleman openly to stand up and maintain, that an address, of the nature of that which the House had that night been called upon to

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vote,

vote, could be justified. And he would also mention one particular instance of the right honourable gentleman's conduct, which must cover him with shame and confusion; and that was his having two years ago persuaded that House to vote an address upon the report of the Irish propositions; and two days afterwards the right honourable gentleman came down to that House, and brought in a bill, the preamble of which contradicted, and was widely different from the words of the Report. Mr. Sheridan, after complaining of the right honourable gentleman for having charged a right honourable friend of his (Mr. Burke) with a recantation of principles and doctrines which he had never avowed, but which had been avowed by another right honourable friend of his (Mr. Fox) concluded with declaring, that when the bill came to be read a first time, he would move to give his negative to the motion, on purpose to have the doctrines of the right honourable gentleman fairly and fully discussed.

Mr. Chancellor *Pitt* answered, that it was extremely hard upon him that the honourable gentleman, in the very same breath in which he accused him of having made an unfounded conclusion of a recantation of principles in those who opposed the treaty, because some of them supported their opinions on principles which others disavowed, should yet force upon him sentiments which he had never delivered, merely because they had been expressed by gentlemen who co-operated with him in the measure. But this was not the greatest difficulty which the honourable gentleman thought proper to impose upon him; for the honourable gentleman had inferred, that he coincided with the opinions which he had himself laid down, because he did not stand up immediately and contradict them. It was his misfortune to be obliged, from the indispensable duties of his station, to be oftener than he wished under a necessity of troubling the House on many occasions; but if it were to be considered as a fixed maxim, that whenever the honourable gentleman thought proper to advance an absurdity, which he did not immediately contradict, that he was thereby pledged to the consequences of such absurdity, he should of course be under a necessity of trespassing much oftener on the time and patience of the House than he had hitherto done. As to his being obliged to make a confession that should cover him with shame and confusion, of a variation between the bill of the last session, and the propositions on which that bill was founded, he must inform the honourable gentleman, that as he should not be allowed to pledge him on any occasion, so neither would he suffer him to confess for him.

The honourable gentleman had, in corroboration of the charge

charge which he made against him of a desire to overturn the principles of the constitution, resorted to a subject, which, with any view whatsoever, either of his vindication from such a charge, or his general credit with the House, he should always be happy to see brought to their recollection. The points in issue in that controversy to which the honourable gentleman had alluded, and which had been the means of raising him to the situation which he at that moment (he feared, unworthily) filled,—were of such a nature, as he believed that House and the Public would long remember, and which it was his sincere and earnest wish should never be forgotten.

Mr. Sheridan.

Mr. *Sheridan* answered, if the right honourable gentleman persisted in denying that any member was not free to give his vote against a bill, after voting for an address of the nature of that then in question, he certainly would say no to the first reading of the bill, for the purpose of bringing the question fairly under discussion.

Sir Grey Cooper.

Sir *Grey Cooper* stated what had been the mode of proceeding when the treaty of Utrecht was proposed to Parliament.

Mr. Fox.

Mr. *Fox* remarked, that his object was to move a resolution, “ That it was the opinion of that House, that it was “ impossible for them to bind or preclude themselves by any “ address to the throne, from either debating or voting upon “ any subsequent legislative question whatever.” Mr. *Fox* reiterated his former arguments, to proceed by bill, and instanced the case of the Irish propositions, declaring that no man there dreamt of moving an address, stating in express words to the throne, that the House would pass any specific number of bills for the purpose of enforcing the propositions. Had such an address been moved, it would have been reprobated. In the case of the peace of Utrecht, let the House recollect that a bill had been brought in to enact the eighth and ninth articles. The question for the first reading had, on a division, been carried by an uncommonly large majority, the numbers having been 150, or thereabouts, to 10. It was read a second time upon a division of a large majority also, and it went to a Committee, and two or three days afterwards, it had been thrown out on the report. This proved the importance of a regular compliance with the forms of the House, and a due exercise of their deliberative powers. A large majority had thus been, by mere dint of debate and discussion, converted into a minority, and one of the worst and most hostile treaties to the British constitution that ever was heard of, was put an end to and annihilated. What was the reason that the honourable gentleman did not proceed in the same way now? The reason was obvious. Aware of the event of 1713, he was determined

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to proceed in another manner; and, in order to ensure the success of his treaty, instead of risking the chance of deliberation, he had profited by the fate of the treaty of Utrecht, and had caused an address to be moved to tie up the hands of the House, and preclude all debate, and all danger of future opposition. Had Lord Bolingbroke and Mr. Harley, in the year 1713, been aware of the fate of their treaty, they no doubt would have aimed at doing the same thing; but in those days, when one of the most formidable factions governed this country that had ever been in possession of power, they never dreamt of venturing such a length as the right honourable gentleman, who had profited by the shortsightedness of the Ministry of 1713, and had whetted his sagacity upon their dulness.

Mr. Chancellor *Pitt* lamented that he was still doomed to feel the extremely uncandid manner in which the right honourable gentleman accustomed himself to argue every question in which he took a part in that House.—Instead of adhering to the subject in debate, he contrived on all occasions to introduce inflammatory topics, and to insinuate, without a colour or pretence, that something hostile was intended by him to the constitution. The House, however, were sufficiently acquainted with the right honourable gentleman to make it unnecessary for him to enter at all into a discussion with him on that ground. It certainly was true that no resolution of that House could absolutely bind it down to the future adoption of any measure whatsoever, and if, after passing any resolution, the House should see proper grounds for changing its opinion, it certainly was not only competent to act in contradiction to such resolution, but it was its duty so to do. But, at the same time, no gentleman ought ever to give his vote on a resolution of that nature, unless he was reasonably assured, in his own mind, that no circumstances could happen to induce him to change his opinion—and he hoped that such a principle would govern every gentleman who should vote with him on the present question. As the motion which was intended to be made was in itself a truism, he did not think it a proper one to be put upon the journals, and he should therefore give it his negative.

Mr. *Dempster* desired to have the motion read, and then assigned his reasons for thinking the address ought not to be persisted in.

The House divided on Mr. Sheridan's motion of adjournment, Ayes, 160.—Noes, 236.

The main question was then put, that an humble address be presented to His Majesty, assuring His Majesty, that we have taken into our most serious consideration the provisions contained in the treaty of navigation and commerce concluded

ded between His Majesty and the Most Christian King; and that we beg leave to approach His Majesty with our sincere and grateful acknowledgements for this additional proof of His Majesty's constant attention to the welfare and happiness of his subjects.

That we shall proceed with all proper expedition in taking such steps as may be necessary for giving effect to a system so well calculated to promote a beneficial intercourse between Great Britain and France, and to give additional permanence to the blessings of peace.

That it is our firm persuasion that we cannot more effectually consult the general interests of our country, and the glory of His Majesty's reign, than by concurring in a measure which tends to the extension of trade, and the encouragement of industry and manufacture, the general sources of national wealth, and the surest foundation of the prosperity and happiness of His Majesty's dominions.

It was carried. After which a Committee was appointed to draw up and prepare the address; and the same being read and approved, the House adjourned.

Thursday, 22d February.

No material debate occurred.

Friday, 23d February.

Major Scott Major Scott having observed, that in consequence of some error the *whole* of the correspondence relative to Farruckabad had not been submitted to the House, moved for certain extracts from the Bengal Persian correspondence of the years 1781 and 1782, respecting Farruckabad.

Mr. Francis Mr. Francis desired to know whether the extracts were to be of a partial nature, and referring to any particular object of defence, or whether they were meant to be of a general tendency?

Major Scott Major Scott answered, that they were to be general extracts without any particular reference.

The motion passed.

The House then resolved itself into a Committee on the charges against Mr. Hastings, Mr. Francis in the chair, when Sir Elijah Impey was called to the bar.

The first question put to him was, whether he brought with him the correspondence relative to the next charge of the transactions in Farruckabad, and relative to the transactions in Oude?

He answered, that he gave to a former Committee what papers he had on this subject.

What did he do with the remainder?

He did not leave them with *any one in Calcutta*.

How did he know that?

He meant that he had not deposited them confidentially with any one there.

Mr. Middleton being next called, produced some papers relative to the affairs of Farruckabad, with documents referring to particular circumstances; and being asked, whether he had any more papers illustrative of the transactions of Oude? he answered in the negative. When on the point of withdrawing, Mr. Middleton expressed his hopes of being indulged with such parts of his books and papers as related to his private affairs.

Mr. Francis assured him that they would be returned as soon as it should appear to the Committee, that they had sufficiently examined them*.

Mr. *Bastard* now rose, and remarked, that as his motion, Mr. Bastard. made during the course of the preceding session, in order to bring in a bill for introducing a reform into the ecclesiastical courts with respect to vexatious processes, had not proved so far successful as to occasion the introduction of an act for the full accomplishment of this salutary purpose, he should again beg leave to fix the attention of the House upon a subject extremely interesting and important in its nature. As the House had been already pleased to honour his former motion with their unanimous concurrence, he might without offence infer, that they were thoroughly convinced of the necessity of the measure. Mr. Bastard now stated a variety of grievances which had occurred in cases of defamation, and more especially in those of fornication, in the ecclesiastical courts.—He said, that he could illustrate this point by numerous examples, and as a proof of this assertion he produced several cases, which he considered as of a striking nature. Of the lower classes of people many had been thrown into prisons by those arbitrary and remorseless ecclesiastical courts, for what they chose to represent as a contempt of their authority. Some were compelled to do penance for acts of fornication committed long previous to their marriage. An accusation had been advanced against a woman, because her first child born in wedlock was brought forth before the expiration of nine months, whereby the woman became branded with infamy, although she had been a lawful wife for several years. In one case, where a man was sued for commit-

* We do not, in this publication, mean to fatigue the reader by introducing any parts of evidence, except such as seem immediately necessary on account of their elucidation of subsequent passages of debate. If he wishes to see the whole, he will please to refer to the ample and accurate collection published by Debrett.

ting fornication with his wife before marriage, it appeared, that seven years after *her* death he was cited to stand as a prisoner at their bar, though he had lived with her for nine years, and was father of seven children.

A poor woman who was pregnant, and very near childbirth, was cited to this court: being at some distance and in such a situation, she could not appear in time to the citation; the consequence was, she was excommunicated, and thus deprived of all those temporal advantages which being within the pale of the church affords. But this was not all, her soul was sentenced to eternal misery.

Such examples were disgraceful in their pretences and terrible in their execution. Was it not necessary therefore to devise some method of destroying this minotaur of the sex—this tribunal of oppression on the poor, who had no power of appeal or protection from its severity of infliction? The ecclesiastical courts were avaricious and rapacious to an extreme. If a poor person was tried in the inferior courts and convicted, then he could only have recourse by appeal to the court of Arches, which was so very expensive that he could not bear it, and consequently became obliged to lie under all the infamy to which, from the sentence passed on him, he was necessarily subjected.—The case of unfortunate women was also most deplorable. They were subjected to penances which destroyed every principle of shame, and eventually fitted them for being received into a bawdy-house. Mr. Bastard now desired (and received) permission to read some extracts from a speech made, he observed, by one of the patriarchs of the church (a right reverend prelate in the upper House of Parliament) in opposition to the principles of the measure which had been proposed on this subject. Having commented upon (what he deemed) the false positions which it contained, and premised, that if the civil courts of judicature did not perpetually throw open ample means of redress and punishment for defamation; means more constitutional, and of course more eligible than those offered by this ecclesiastical inquisition, he might perhaps remain silent. Mr. Bastard reprobated the sentence of excommunication, and said, that it was contrary to the gentle spirit of christianity, and a remnant of that superstition which, most fortunately, no longer prevailed in this country. He then moved, that leave be given to bring in a bill for putting an end to all vexatious processes in ecclesiastical courts. This motion was seconded by

Mr. Holdsworth.

Mr. *Holdsworth*, who remarked that in cases of antinuptial fornication their procedure had been singularly vexatious, and that a gentleman sat near him, who had suggested to him an example, in which a person had been teized with a process on account of antinuptial fornication fifteen years after he

he was married. He added, that the various instances of his oppression in the conduct of this arbitrary, this infernal court, ought to operate effectually with the Legislature as motives for its abolition.

Sir *William Leman* observed, that the honourable member Sir *William Leman*. (Mr. Bastard) merited high encomiums for the zeal which he had manifested against such vexatious procedures on the present as well as on former occasions; and farther added, that he knew that in consequence of such virtuous activity and ardour, he had obtained the thanks of the grand jury of the county which he represented, who had also expressed their earnest wish that he would again propose a measure which had at a preceding juncture failed of success.

Sir *William Dolben* said, that he did not rise with a view Sir *William Dolben*. of opposing the motion: he not only thanked the honourable gentleman for making it, but also for not illustrating it so copiously as he might have done from the voluminous bundle of papers which he held in his hand.—He wished, however, to remind him that there was nothing more singularly vexatious in the ecclesiastical courts than in any of the other courts in which justice was dispensed—that the poor, if injured by the decision of the judicatories in Westminster Hall, were as little able to apply to the House of Peers for redress as to the court of Arches, in instances of defamation. The original institution of the ecclesiastical courts was wise and good: the abuses which had suddenly crept in, could not be too soon rectified; but even their present existence did not warrant the application of the epithet, infernal, to this violently reprobated tribunal. The Patriarchs had been perhaps contemptuously mentioned; but he felt a pleasure in declaring, that (he believed) there never was a period in which the different sees in this kingdom were filled by men of greater learning, or who recommended religion more powerfully by their own example.

Mr. *Burke* said, that if there were any abuses in the ecclesiastical courts, the fault was not to be attributed to the bishops; for every one knew that they rarely presided there, and generally did their business by deputation. Mr. *Burke*.

Mr. *Bastard* declared, that he meant no reflection on either Mr. *Bastard* the bishops or the clergy, of whose worth he entertained as high an idea as the honourable baronet: he had opened the subject solely with the most anxious hopes of proving the humble, but the fortunate instrument of aiding to exterminate an evil highly oppressive to the lower class of the community, and absurdly arbitrary in itself.

The motion was then put and agreed to—Messrs. Bastard, Molesworth, and Sir William Leman were ordered to prepare and bring in the bill.

The House adjourned.

Monday,

Monday, 26th February.

Sir Matthew White Ridley.

Sir *Matthew White Ridley* intimated his determination to call, with their permission, the attention of the House, at an early day, to the consideration of a matter which had been before them during the course of the preceding session. It was the case of Captain Brodie, who, in consequence of a regulation in the navy service, in the last war, had, without any fault or failure of his own, been deprived of that rank to which he was justly entitled, and which he would now have holden, had not such regulation taken place. If the right honourable gentleman would signify his intention to see Captain Brodie restored to his rank, Sir Matthew said, he would not give the House any farther trouble upon the subject; but otherwise, he should think it his duty to take the sense of the House upon the matter.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* answered, that it was impossible for him to give any answer to so extraordinary a requisition, and before a specified rank could be given or promised to any officer in consequence of a motion, the motion must be rested on very strong ground indeed.

Sir Matthew White Ridley.

Sir *Matthew White Ridley* repeated, that Captain Brodie had not lost his rank through any fault or failure of his own, but had been precluded from being an admiral by a regulation. Sir Matthew gave notice, that he would make a motion upon the subject in the course of the ensuing Monday.

A conversation took place, whether the hearing of counsel in support of the petition from the Company's servants resident in Bengal, &c. complaining of the East-India bill of 1784, which stood as the first order of the day, should be this day first attended to, or the charge relative to the transactions at Farruckabad, which had been put off from time to time.

Mr. Dempster.

Mr. *Dempster* contended for the right of the petitioners to be heard first, and said, the deferring it would produce manifest inconvenience and expence.

Mr. Francis.

Mr. *Francis* maintained, that the charge relative to Farruckabad should come on first, alledging that it was most temporary and pressing, and that the object of the Bengal petition, if attained in the course of the present session, would be sufficiently early; and consequently, if the petitioners were heard a month hence, they would be heard time enough for their purpose.

Mr. Chancellor Pitt.

Mr. *Dempster* begged leave to entertain a contrary opinion; and at length, the controversy was put an end to by Mr. Chancellor *Pitt* observing, that probably all the papers concerning Farruckabad had not been printed long enough for

for gentlemen to have perused them completely; for his part, he declared, that he had not looked into one of them. Would it not therefore be proper to put off going into the Committee on the charge respecting Farruckabad, for a day or two longer, in order to give gentlemen a full opportunity of making themselves perfectly masters of all the papers printed upon the subject?

This was consented to by Mr. Burke, and Friday named as the day; but Mr. Burke begged the House to recollect, that the delay was not imputable to any fault of his, for that he was ready to bring on the charge the next day, had gentlemen been prepared to go into the Committee.

Mr. Burke said, he would, with the leave of the House, move to do that regularly, which had already been done irregularly, viz. to bring Mr. Middleton's papers formally before the Committee. Mr. Burke then moved,

"That Nathaniel Middleton, Esq. do, to-morrow morning, attend the Committee of the whole House, to whom it is referred to consider farther of the several articles of charge of high crimes and misdemeanors against Warren Hastings, Esq. late Governor General of Bengal; and that he do bring with him all his letter-books, and other correspondence in his possession, relative to the public affairs of the province of Oude, and its dependencies."

Mr. Burke gave notice, that the charge intended to be brought forward next, was, that great and comprehensive charge, the charge touching the contracts, which an honourable baronet (Sir James Erskine) meant to open generally to the Committee, and then move to report a progress, taking another day to state to them the particular mode in which he meant to bring each individual branch of the charge under consideration; Mr. Burke named Friday next as the day, but on its being suggested to him, that Friday was already occupied, it was agreed that an early day should be taken for the purpose.

The order of the day being read, for the House to resolve itself into a Committee of the whole House, to take into consideration so much of His Majesty's most gracious speech to both Houses of Parliament, upon the 23d day of January last, as relates to simplifying the public accounts in the various branches of the revenue;

Mr. Chancellor Pitt moved,

"That the resolutions which, upon this day se'nnight, were reported from the Committee of the whole House, to whom it was referred to consider so much of His Majesty's most gracious speech to both Houses of Parliament, upon the 23d day of January last, as relates to the treaty of navigation and commerce between His Majesty and
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“ the most Christian King, and were then agreed to by the
 “ House, be referred to the consideration of the said Com-
 “ mittee.”

“ That the thirteenth Report of the Commissioners ap-
 “ pointed to examine, take, and state the public accounts
 “ of the kingdom, which was presented to the House upon
 “ the 21st day of March, 1785, be referred to the said
 “ Committee:”

“ And that it be an instruction to the said Committee,
 “ that they do consider of the several acts of parliament for
 “ establishing annuities on lives, payable at the receipt of
 “ His Majesty’s Exchequer.

The Speaker then left the chair, and Mr. Steele took his
 seat at the table.

Mr. Chan-
 cellor Pitt.

Mr. Chancellor *Pitt* rising again, remarked, that it would
 be unnecessary for him to dwell upon the great importance of
 the subject, and the advantages which must inevitably result
 from it; they were in themselves so obvious, that it was
 more difficult to account for its having been delayed so long,
 than to prove the propriety of now adopting it. The in-
 creasing commerce of the country, on the one hand, and
 the accumulated burdens on the other; the various additions
 which it had been found necessary to make to the national
 income, by augmenting almost every subsisting duty, and
 the concomitant progression of the resources from whence
 that income was supplied, had so widely exceeded the expec-
 tations of our ancestors, and all the grounds of calculation,
 on which they founded their system of finance, that the
 principles which they adopted, as suited to the narrow and
 confined scale of their public exigency and resources, were
 no longer applicable to the present state either of the trade or
 the revenue of the country. The consequences of thus re-
 taining the old principle under the altered circumstances of
 the country, were, in several points of view, highly detrimental
 to the interests of the nation. In the first, and most material
 instance, they were productive of great inconvenience to in-
 dividuals, as well to the merchants as to the officers of the
 customs, from the difficulty they occasioned in calculating
 and ascertaining the amount of the several sums to be paid
 by the former; and they were also, in some degree, attended
 with an actual loss to the revenue. Mr. Pitt went very
 much at length into the origin and progress of our revenue,
 as it at present stands, and particularly that branch which
 arises from the customs, stating, that the first institution of
 the present subsisting duties of custom, was made by statute,
 the 12th of Charles II. under the names of tonnage and
 poundage—the first of those was an imposition on wines,
 laid on by the quantities imported; and the other was a pro-
 portional

portional duty calculated by value on all other articles. This last duty of poundage, calculated on the value of the several articles, was of a nature liable to great inaccuracy and irregularity—the value of the goods was ascertained by a book of rates, and computed on the quantities of the goods either with respect to gage, to weight, or to *tañle*—it was not a real value which was fixed upon them, so that the duty should bear a certain proportion to that real value, but an arbitrary value, perhaps according to their actual standard at the time of imposing the duty, yet, which must, from the natural fluctuations of trade and manufactures be necessarily liable to many changes and alterations. The consequence of such a mode of taxation when it was laid on by bulk, was, that in goods of one general description the duty was always the same, whether upon the more perfect or the coarser manufacture; by which means it either operated as a prohibition to the latter, or was not at all felt by the former. There was, besides, another mode by which duties were imposed; and, this, by a proportion to the value on goods not rated, being the real and actual value of the goods, as sworn to by the importer. This principle of taxation, when once adopted, was pursued in every fresh subsidy which had been granted for the payment of the interest of the several loans which were raised from time to time. In some instances it had operated by imposing additional duties, calculated by a per centage on the duty at present paid; in others, it had laid a farther duty on a different denomination of the commodity, either with respect to its value, its bulk, its weight, or its number; and proceeding gradually in this manner from period to period, it had, at length, by the numerous additions so made, and the unbounded increase of the articles of commerce, produced that mass of confusion, that was now so universally complained of, as productive of such an infinity of inconvenience and delay to those whom it was the interest of the country to have as free from all unnecessary embarrassments as possible—the mercantile part of the nation.

Adverting, next, to the nature and extent of those inconveniences, which arose from hence to the merchants, the Chancellor of the Exchequer represented to the Committee, that almost all of the additional subsidies had been appropriated to some specific fund, for the payment of certain specific annuities, and that there must therefore be a separate calculation made at the Custom House for each of the different subsidies—and that from the great complexity of the whole system, scarcely any one merchant could be acquainted, by any calculations of his own, with the exact amount of what he was to pay. It was, at the first view, perhaps to be wondered at, that consequences seriously bad, had not as

yet resulted from this evil—but there were two causes by which that circumstance might be accounted for. The first was, that some persons, employed in the Custom House, whose whole time dedicated to the business, and who of course were more conversant with it than any merchant could be supposed to be—had, for the ease and convenience of the traders and merchants, arranged a general view of the Customs, in the form of a book of rates, which was, to a certain degree, found to be useful; but the utility arising from such a compilation, could not be of any very long standing, when it was considered that there was, every session of Parliament, some alteration or another made in several of the duties, and each of those alterations following the old principle, totally unhinged and overturned the use of every preceding printed calculation. But even if this disadvantage did not attend the Custom-house officers' book of rates, it yet only tended to relieve, in a very inconsiderable degree, the grievance complained of; for although the calculations contained in the book might have been never so accurate, yet the merchant could not go to the Custom House and enter his goods immediately, by paying down the sum stated in the book of rates, but must wait, as if such book never existed, until all the usual calculations on each subsidy had been made, the several acts by which such subsidies had been granted having so directed; and thus, in point of time, nothing was saved by the merchant. The other cause, by which the inconvenience was in a degree obviated, was one to which, for many very good reasons, as speedy a stop as possible should be put. The officers of the Customs having, from constant practice and experience, acquired a greater facility in making the necessary calculations than the merchant could be supposed to have done, were the only persons to whom the merchant could apply for assistance and direction. Thus the merchant was not only in a great degree left at the mercy of the officers, but the officers themselves, who were intended to be a check upon the merchants, were forced to become their agents—a procedure repugnant to every principle of reason and policy. Those abuses which he had stated to exist in the customs, obtained also, though not to the same extent in the excise, and, in a certain degree, in one other great branch of revenue, the stamps. He should therefore include those last in his general plan.

The mode by which he proposed to remedy this great abuse was, by abolishing all the duties, which now subsisted in this confused and complex manner, and to substitute in their stead, one single duty on each article, amounting as nearly as possible to the aggregate of all the various subsidies already paid—only in general where a fraction was found in
any

any of the sums, to change the fraction for the nearest integer number, usually taking the higher, rather than the lower. There could be no great objection to this very trifling rise in the amount of the duties, as either such rise, or an equivalent diminution must take place, or the confusion consequent on fractions still continue. This advance from the fractions to the integral would produce an increase in the revenue to the amount of 20,000*l.* per annum, and would lay upon the public a burden most amply compensated by the great relief which the merchant would experience from the whole of the plan.—Still there would be some diminution of revenue in certain branches of it, where it might be found expedient to substitute the lower instead of the higher integral number in place of the fraction. The plan, as well with regard to the convenience which the merchant and officers of the Custom House would experience, as the benefit which must result to the revenue by freeing it from the clogs and fetters with which it was loaded, and instead of the obscurity which it now laboured under (to such a degree that the House could scarcely be capable of forming a judgement upon it) rendering it so clear and distinct, that no mistake or error could possibly take place in any future inquiries which might be had upon the subject. In some few articles it was his intention to introduce regulations of much greater extent than what he had stated, particularly in certain species of timber, which he would explain more at length to the Committee when he came to the resolution on that head.—And in respect to the duty on drugs he should propose to make a very considerable reduction, as the duties on those articles were so high as almost to drive the fair trader out of the market and throw the whole into the hands of the smuggler. On such goods as were not to be rated, in consequence of this new system, it was his intention to propose certain duties proportioned to the sworn value of the articles, which duties, in general, would not exceed the sum of 27*l.* 10*s.* per hundred.

It might now (Mr. Pitt added) be proper to observe in what degree the consolidation of the duties might affect the security of the public creditor. As many of the subsidies which it was proposed to abolish were particularly appropriated to the payment of certain specified annuitants, and, as some of the annuitants were intitled to a valuable priority of payment, it was doubted whether such right of priority might not be infringed upon by abolishing those funds from which such prior payments were to issue, and consolidating them all into one general mass.—But, this valuable priority it was by no means his intention to affect, as the plan which he should adopt would leave it at the option of all persons enjoying such right of priority to continue in possession of it, or relinquish it as they might think proper. This priority of

payment arose from the terms of the several loans by which certain funds were raised for the payment of the interest of such loans, and the surplusses of those funds to go to the aggregate fund, out of which aggregate fund other annuities were to be paid. The right of priority might as well be maintained by paying them all out of one general fund, as by paying first one set of annuitants out of several funds, and the remaining annuitants out of the surplusses of those funds, provided that, out of that general fund, the first payments are actually made to those annuitants intitled to that priority. No injury can possibly arise to the public credit by such an arrangement; and no real benefit resulted to those who enjoyed the right of prior payment, the resources of the country being equally bound for the payment of the whole, and the payments already made to the annuitants were not paid out of the respective funds appropriated to the different annuities, but the whole of that business was, at this moment, conducted at the bank, nearly in the same manner as it would be, when the whole of the revenue was to be consolidated into one general fund. The State (he apprehended) had a right, consistent with its good faith to its creditors, to make such alterations in the nature of its securities as it should see to be convenient and necessary, provided that on every such alteration it took care to substitute such a security which should be substantially equivalent to that which was so changed, and he challenged the attention of the Committee to a most particular observance of every part of the plan, that was in any way connected with the public faith, in order that it might be most strictly and religiously adhered to; but to dispute this right of the Legislature, to modify the security which it afforded to the public creditors, would, if carried to its full extent, absolutely preclude the possibility of ever making any alteration whatsoever in any one tax which might be once adopted. There could not, however, he flattered himself, be any ground of objection, on the head of public faith, to the system which he meant to propose; for, he should recommend that not only all the several funds then consolidated should become chargeable with the public debt, but that every other resource of the country of any description whatsoever, should be a collateral security for the payment of those debts—even the aids of the current year. Yet, notwithstanding his opinion of this right of the Legislature to mode its own securities, he was still of opinion, that it ought not to be done, if it could possibly be avoided without the consent of the several creditors, which it had been the constant practice of Parliament to take, whenever it proceeded upon any such measure. This consent was to be taken by allowing a proper time for the public creditors to make their objections, and

and, if in that time none were made, to construe their silence into acquiescence. This mode he was desirous to adopt in the present instance. On the subject of the funds, he contended that none of them could possibly be affected in any disadvantageous manner by the new modification. Having thus (he hoped clearly) demonstrated the eligibility of this plan, as well from the advantages likely to result from it to trade and revenue, as from its being completely free from any objection in respect to public credit: Having (he trusted) made it perfectly intelligible to every gentleman present, he should proceed to explain how he proposed to carry it into execution. He was persuaded, that every gentleman who approved of the plan would feel a desire to co-operate with him as strenuously as possible to bring it into effect, and in so very complicated and detailed a subject would be willing to dispense with as much form as possible towards its speedy completion. He should not, therefore, enter at present into the detail of all the several resolutions by which the plan was to be supported, but should satisfy himself with having them all understood as having been read *pro forma*; proposing, however, on such of them as were of most consequence, and likely to be attended with the greatest variety of opinion, to trouble the House with his sentiments more at large, and pledging himself that he would not suffer any resolution of the whole volume (for they amounted to above three thousand in number) which appeared to him of considerable magnitude and importance to pass, without endeavouring to call the attention of the Committee particularly to it—that a subject of such importance might have the most ample and wary discussion in all its essential points. He had (he assured the Committee) given no ordinary share of attention to this business—he had not left one unconsulted from whom any information could be obtained—the plan had been referred to the Board of Revenue, and had received their perfect approbation—the greatest diligence had been used to circulate it among the most diligent and respectable of those persons who were most immediately concerned in its operation and effects—the trading interest; and he was happy to say, that it was received by them all, with the highest satisfaction and contentment, and he flattered himself that he came forward on the subject, supported by the best of all possible authorities, the information of the most enlightened persons on all parts of the business, and the universal consent of those who were most interested in the event. But, as it was a question of such great importance, and ran into so very extensive a detail, he recommended it to gentlemen to pay it their most serious attention in all its branches, that the good intentions of those who were instrumental in framing it might not be in any instance frustrated by those mistakes, inaccuracies,

racies, or even clerical errors, to which so very complicated and extended a subject must necessarily be liable. He should content himself for the present with barely moving a general preliminary resolution, by which the Committee (if they were of his opinion) would go no farther than the adoption of the main principle, and the discussion of the more minute questions which must arise upon it, would be left open to their future judgement; and as many of those questions would require a very ample consideration, he should not wish to proceed farther in the Committee until the ensuing Thursday, that gentlemen might turn their attention to such parts of the printed list of articles, which were to form the subjects of such subsequent resolutions, as they were best qualified to judge of.—He concluded by moving a resolution to the following purport:—"That the duties of customs, excise, and certain duties of stamps, do cease and determine, and that other duties be substituted in their stead."—In the motion were included certain specific exceptions, as the duties on malt, mum, cyder, perry, &c.

Mr. Burke. *Mr. Burke* said, that upon the whole, the measure proposed, was, in itself so obviously necessary, beneficial, and desirable, and the right honourable gentleman had opened it with such extraordinary clearness and perspicuity, that he thought it did not become him, or those who like him, unfortunately felt it to be their duty frequently to oppose the measures of government, and to content themselves with a sullen acquiescence, but it behoved them to rise up manfully, and doing justice to the right honourable gentleman's merit, to return thanks on behalf of themselves and the country, for having in so masterly and intelligible a manner brought forth a plan of consolidation of duties which promised ease and accommodation to the merchants, and all those concerned in the trade and commerce of the country, and advantage and increase of the revenue.

**Sir Grey
Cooper.**

Sir Grey Cooper declared, that he had not the least objection to the scheme and plan for consolidating the duties and customs, for simplifying the collection of that revenue, for the ease and dispatch of the merchant, and the advantage of the public. He added that this scheme had made some considerable progress, during the time in which a noble lord had presided in the Treasury; that in the year 1780 and 1781 he had, by order of the noble Lord, often seen, and indeed carried on, a correspondence on this subject matter, with a very able and intelligent Commissioner of the customs, who now, very much to his own honour, and to the advantage of the public, served his country in another important office. The noble Lord had it much at heart to bring this plan to the maturity and completion at which it had now arrived; and the right honourable

able gentleman had stated and explained the whole proposition, and all its parts, with so much knowledge and perspicuity, and thrown a matter of great difficulty and complexity into so clear an arrangement and perspective, that, as far as he at present understood it, the plan commanded his entire approbation, if that was of any value. He had always conceived, that the chief difficulty in carrying this plan into execution, was the necessity of changing and altering the appropriation of the duties specifically destined by acts of parliament, for the security of the creditors of the state at different periods, particularly the public creditors, who, by the acts of the first of George I. and the third of George I. anterior to the establishment of the Sinking Fund, had (as the right honourable gentleman very fairly stated) a valuable priority and preference in the payment of the interest of those debts, which were declared to be national debts before the year 1716. Sir Grey Cooper admitted that it was competent to that House, to vary the security given to the public creditors, in the case stated by the right honourable gentleman, of a duty repealed, and substituting another in its place, with the counter security of the sinking fund; but that being now gone, by the substitution of one general fund, in place of the aggregate fund, and the surplusses, no variation or shifting of the appropriation of security ought or could be made consistently with the extreme delicacy with which public faith to creditors ought to be preserved, without the consent of the public creditors, who were to be affected by any arrangement, however advantageous to the public. The right honourable gentleman seemed to be perfectly aware of this, and not to intend the least deviation from these principles, and he understood that provision was to be made in the bill, for such notifications as should prevent any creditor from losing the preference which he now possessed, if within a limited time he signified his dissent to the plan.

Mr. Samuel Thornton corroborated that part of the Chancellor of the Exchequer's speech, in which he stated the great inconveniencies under which merchants laboured, at present, from the complicated and very perplexed state of the duties and customs which had so long prevailed. Mr. Thornton gave his full assent to the plan of consolidation and simplifying which had been proposed, and declared that he had conversed with several intelligent officers of the customs, and many respectable merchants upon it, all of whom agreed, that it would be a most essential accommodation to the business of shipping, entering, and landing of goods.

Lord Penrhyn said that he must entreat the right honourable gentleman (the Chancellor of the Exchequer) to inform him whether as there was to be a reduction in the duties on rum, that

Mr. Samuel
Thornton.

Lord
Penrhyn.

that was not one of the resolutions of the custom duties on the table?

Mr. Chancellor Pitt.

Mr. *Chancellor Pitt* answered, that the article of spirits made no one of the resolutions on the subject of duties or customs, but would be found among the resolutions relative to the duties on excise; and when they came to it, he would state to the noble Lord the grounds upon which it was formed, and the noble Lord would then have an opportunity of discussing it.

Mr. Fox.

Mr. *Fox* believed that he thought exactly with the right honourable gentleman, who had so clearly and perspicuously opened the plan to the House, and that the objection which he had entertained, had been totally done away in the latter part of the right honourable gentleman's speech. What he meant was this: Did he understand the right honourable gentleman to have said, that due notification would be given to every public creditor, and that all such as were afraid, and did not approve of taking the new security of the general fund, with the collateral security of the aids of the year, would have the option of the appropriated fund which the right honourable gentleman had described? if this were so, he certainly had no objection, because he had ever contended, that the security given to the public creditor, when he lent his money, ought not to be changed without the consent of such public creditor. As the resolutions upon the commercial treaty with France were to be blended and joined to the resolutions for the consolidation of the customs, he hoped, that when the right honourable gentleman came to those resolutions which related to the commercial treaty, he would afford the Committee an opportunity of debating and considering of each of those resolutions distinctly.

Mr. Chancellor Pitt.

Mr. *Chancellor Pitt* begged leave to assure the right honourable gentleman that he had correctly understood him: He certainly meant that there should be a full time allowed for notification to every public creditor of the intended change of the security, and that each public creditor should have his option, either of accepting the new security of the general fund, with the collateral security of the aids of the year, which was undoubtedly a better security than the public creditors had at present, or of taking the other security of an equivalent, as he had before described. He could not admit the argument of the right honourable gentleman to the full extent, that the House had no right to change the security of the public creditor, because, if it were laid down that the House had in no case, where its own convenience and advantage clearly suggested it, and where it could be done without any sort of danger to the public creditor, a right to change the security, a tax found, upon trial, to be either

either inexpedient, unequal, or unproductive could not be repealed, and a new tax substituted in lieu of it, which would, undoubtedly be a circumstance inconvenient in the extreme. With regard to the resolutions of the House relative to the articles of the tariff, in the treaty of commerce and navigation with France, they were necessarily and inviolably implicated and connected with the resolutions relative to the consolidation of the duties and customs, and unless considered at the same time, it would be impossible for us to keep the stipulations of the treaty, and treat France as the most favoured nation in respect to the duties on certain goods, &c. In two different points of view the resolutions on the commercial treaty bore upon the resolutions of the duties on customs; the duties payable by France on certain articles of merchandize, were, according to the various existing acts of Parliament enacted to be higher than those paid by other countries, and they must, in consequence of the treaty, be altered to suit the period of the stipulated duration of the treaty.

Mr. Steele put the question in the general resolution, which having been agreed to, he was directed "to report progress, and ask leave to sit again."

The House being resumed, the question of adjournment was put, and the House adjourned.

Tuesday, 27th February.

Mr. *Dempster* observed, that not having been present the day before when the right honourable gentleman (Mr. Pitt) had opened his very meritorious and politic plan for the consolidation of the duties on customs, he wished to put a question to him, on a subject very nearly connected with it, and which the right honourable gentleman, in the last session, had coupled with it relating to the reformation of the abuse of bonds and cockets. Did the right honourable gentleman propose to do any thing upon that subject during the present session? Mr. Dempster.

Mr. Chancellor *Pitt* said, that as it was a subject of such consequence, and one to which he had not given the necessary attention, he could not at present give a positive answer to the question of the honourable gentleman. Mr. Chancellor Pitt.

Mr. *Dempster* replied, that it was a business in which his constituents were so materially interested, that if nothing was done in it during the present session, he must do the subject the injustice of taking it up himself soon after the commencement of the ensuing session. Mr. Dempster.

Mr. Chancellor *Pitt* begged leave to assure the honourable gentleman, that it was highly probable, that before the end Mr. Chancellor Pitt.

of the session he should come forward with some proposal on the subject.

The House then resolved itself into a Committee on the Bengal petition. Mr. Burgess in the chair. After the counsel (Mr. Rous and Mr. Dallas) had retired from the bar,

Mr. Dempster.

Mr. *Dempster* said, that on the next open day he should move for leave to bring in a bill to repeal the East-India bill, agreeable to the prayer of the petition.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* observed, that there was sufficient time for the honourable gentleman to make his motion, and that instead of waiting for an open day, he ought to avail himself of the present day, which was kept open merely to accommodate him, though other very important business had been necessarily postponed for that purpose. It was absurd, after having had the benefit of counsel, for the Committee to adjourn immediately, as it were in order to forget the arguments of the counsel, before they should come to a vote upon the subject.

Mr. Dempster.

Mr. *Dempster* answered, that his reason for deferring his motion was the thinness of the House, which had determined him not to bring forward at that time a question of such importance; and, in consequence of his informing several gentlemen of his intention, many of them had left the House.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* contended, that it was rather a singularly odd occasion for calling a counsel to the bar; but it was still more extraordinary to break up without proceeding any farther.—He hoped that gentlemen would consider it in that point of view, and not again bring the House into a similar awkward situation.

Mr. Sheridan.

Mr. *Sheridan* said, that the House was too thin to make a motion of such great national importance; but if gentlemen did not mean to object to a motion for leave to bring in a bill to repeal the acts prayed against, he presumed that his honourable friend would have no objection to make the motion at the present juncture. It was, in his judgement, a motion of great magnitude and importance, and required mature deliberation. Many gentlemen had not had the opportunity of hearing the arguments of counsel, and therefore they ought to be afforded an opportunity of learning the nature of those arguments.

Mr. Dundas

Mr. *Dundas* observed, that, although the counsel had, with great ability, done ample justice to their clients, they nevertheless could not be said to have advanced any arguments except such as had been urged again and again.

Mr. Dempster.

Mr. *Dempster* declared, that many gentlemen had gone away under the idea that no motion would be made. Indeed, he had informed gentlemen that he would not make any

any upon that day. Mr. *Dempster* then moved, "That the
"Chairman report progress, and ask leave to sit again."

Mr. Chancellor *Pitt* objected, and moved, by way of
amendment, "That the Chairman leave the chair." Mr. Chan-
cellor Pitt.

Mr. *Burke* contended, that a great deal of argument might
still be adduced in favour of the original motion. It gave
him great concern to find that British subjects in India were
not to be permitted to enjoy the same privileges which Bri-
tish subjects in England enjoyed. If they were to be de-
prived of their freedom, if English mouths and English pens
were not to be allowed to be exercised in favour of oppressed
natives, those natives must lose their freedom entirely, and
no complaint against persons in office could ever be preferred
with effect, so as to reach the knowledge, and challenge the
inquiry of the Parliament of Great Britain, because the acts
petitioned against put it in the power of the Governor Ge-
neral to seize and imprison every British subject who should
presume particularly to state the variety of oppressions under
which a native might unfortunately languish. Mr. Burke.

Major *Scott* begged leave to assure the right honourable
gentleman, who had stated it as a matter of surprise, that
no complaints were made by the natives of India to Great
Britain, and that unless some alteration should take place
in the bill, none would be made in future; that he wished as
earnestly as any man that the bill might undergo a reconside-
ration whenever the honourable gentleman (Mr. *Dempster*)
chose to appoint a day.—But, with respect to its having any
operation as to the natives, it certainly would not. They
would not complain to Great Britain, and all which was ne-
cessary for their relief at all times, was a strong efficient
government upon the spot, composed of men of honour and
integrity, and well supported from this country. As to the
government of Bengal, it had ever been, and it ever must
be, despotic. We had succeeded a despotic government, the
Mahometan; but (the Major said) he spoke from full con-
viction, and from the best information from gentlemen who
had been in parts of Hindostan which he had never seen, that
of all the governments in Hindostan, the government of Ben-
gal, under the English, was the best, for the happiness of
the natives, the security of private property, and for the
lenity and judgement with which the people were treated.
Let the right honourable gentleman inquire from those who
had seen the Hindoo and Mahometan governments, either
Madajee Scindia's, which was a very considerable govern-
ment, or any other he pleased, and he would find that the
government of Bengal was more populous, the country bet-
ter cultivated, and the natives more secure than they were

Major Scott

under any other, or than they had been under any of the Mahometan Rulers, from its first invasion.

Mr. Burke. *Mr. Burke* maintained, that the worst which could be said of any government was, that it was despotic. If the British government established in India was despotic, so far from its being the best possible government for the country, all circumstances considered, it must be the worst, because of the infinite distance of India from the seat of supreme authority. If Englishmen in India were deprived of their rights and privileges, a total end was put to freedom in India, since an Englishman who suffered his liberties to be taken from him without cause, and without resistance on his part, was an Englishman depraved, fit and ready not only to enslave himself, but to enslave others. It was natural, he observed, for men in power to feel an inclination to exercise that power tyrannically, and even to the enslaving of those subordinate to their authority; but it was the province of freemen to detect them; and when the freedom of Englishmen in India was taken from them, those in power there might with impunity carry into execution against the miserable natives whatever plans of slavery their arbitrary and unfeeling dispositions might suggest.

Major Scott. *Major Scott* said that he should be sorry to be misunderstood. Heaven forbid that an Englishman, in any part of the world, should be deprived of his freedom or his privileges. All he meant was this, that the government over the natives ever had been, and ever must be, despotic. How could it be otherwise? He did not go to the extent of the right honourable gentleman's calculations, but the government of Bengal had eighteen millions of people subject to its authority, "famed (as the right honourable gentleman had "once said) for all the arts of polished life, while we were "yet in the woods." The English consisted, or did consist, during the war, of eighteen hundred European soldiers, fit for duty, about seven or eight hundred officers, and two hundred and fifty civil servants. How was it possible that such an handful of Englishmen should govern eighteen millions, if their government was not firm, vigorous, and even despotic? But Heaven forbid that he should insinuate it was oppressive or unjust;—it certainly was not. But if the government of Bengal was not to be strong and well supported from home, the sooner this country followed the advice of the honourable gentleman, (*Mr. Dempster*) and sent transports to bring every Englishman from Bengal, the better. He was sorry to observe, that the present state of our finances would not suffer us to try such an experiment; since he was sure that Great Britain derived immense resources from Bengal. The House adjourned.

Wednesday,

Wednesday, 28th February.

The order of the day being read for going into a Committee on the mutiny bill, Mr. Rose in the chair,

Colonel *Fitzpatrick* complained of the alteration made in a clause of the mutiny act which passed during the course of the preceding year, and was sorry to find it continued in the bill now before them. The preamble to this act, as judiciously penned by our forefathers, declares a standing army to be contrary to the laws of the land, and wisely enacts, that no forces shall be paid and mustered in this kingdom but those provided for by this law. No innovation should be made in its principle, or alteration in the language of any of its clauses, without much deliberation, and a well-founded cause. For these reasons, he rose to propose an amendment to the present bill, which would in fact restore it to the state it stood in for many years. The two reasons assigned for the late alteration, he supposed, must be in the recollection of every gentleman: they were the cases of Generals Stuart and Ross. The former gentleman held the local rank of Major General by brevet in the East Indies, besides his commission from the Company. The latter also was a Major General in the army by brevet. On complaint being made by General Boyd of the conduct of the latter gentleman, and a court martial being summoned, they doubted their authority to try the complaint, and propounded a question to the Judges, who declared, that brevet officers did not come within the meaning of the mutiny act. On this opinion, the alteration was made last session, wherein every officer in the army bearing the King's commission is subject to martial law. To consider this in a constitutional view was truly alarming. That learned Judge, Blackstone, had given his opinion in clear and explicit terms, on the tendency and danger of extending martial law. How alarming was it therefore to pass a bill, placing (we know not how many of) our fellow-subjects, out of the pale of the juridical law of the land, and arming them, we know not for what purpose, and these men not provided for by any vote of this House. It was not the present danger of their numbers he was afraid of, but the precedent, and the use which might be made of it. Of this opinion was the late Earl of Chatham.

Colonel Fitzpatrick then entered into a disquisition of its effects in the army, and drew some comparisons between the half-pay officer and the commission by brevet. He remarked, that it is supposed by some persons, that half-pay was a reward to the officer for his past services; others concluded that it was a retainer only for the future, as he was liable to

be called on at pleasure. But there was a wide distinction between officers whose corps were reduced, and of course their commissions determined, and brevet officers whose commissions remained. It is true, (he added) they cannot properly act without a letter of service; but as the former are not deemed within the meaning of the mutiny act, no more should the latter, until called into actual service. No man should therefore be looked upon as a military man, unless he is provided for by this House; as the spirit of the mutiny act is, that no man shall be liable to martial law but those who are mustered and in the pay of the nation, which is not the case of brevet officers. There is also another description of military men—the officers of the militia—They are very properly subject to martial law when called out; but if they were required to be under it at all times, they would look on the proposition with astonishment, and reject it with indignation. The Colonel again reverted to the cases of General Stuart and General Roß, who were not amenable to a court martial under the mutiny act, because they were not known by it as military men in this country; but His Majesty, by virtue of his prerogative, could in foreign service cause every officer and soldier to be subject to the law martial. With this power in the Crown, where was the necessity of extending the provisions of the act? He added, that a few other alterations were in the bill, but he would not propose any amendment of them. In conclusion, he moved, that the words “commissioned officers” be left out of the clause; and “mustered, or called into service by proper authority,” be inserted in their room.—The reason why he adopted the word mustered, was, that it was an old word, and implied pay, which was an essential requisite to make a man amenable to martial law.

Sir Charles
Gould.

Sir *Charles Gould*, (Judge-Advocate General) contended, that he had never heard any objection made by military men to the clause now under consideration; on the contrary, he recollected two instances of brevet officers, one of whom is an aid du camp to His Majesty, sitting in a juridical capacity on the trial of an officer: they were gentlemen in much esteem for their knowledge and high sense of honour, and he was certain that they would not have taken a function upon them, unless they were satisfied that they were entitled to it. Another much respected officer, some years ago, resigned all his military employments, but retained his commission by brevet as lieutenant-colonel, merely that he might be liable to the authority of courts martial for any act done by him whilst in command. He mentioned the case of General Roß, who was supposed to have written disrespectful letters to General Boyd, and the opinion of the court martial

tial summoned to try him, as also the opinion of the judges thereon: he also noticed General Stuart's case, who on the death of Sir Eyre Coote succeeded to the command of the King's forces in India by virtue of his rank in the army by brevet; the General likewise had a commission from the Company, and of course commanded all the forces. Was it therefore proper that an officer vested with such high command should not be amenable to the laws established for the regulation of the whole army? he could not for a moment suppose it. With respect to the observation of some persons, that if you include brevet officers, you should also include half-pay officers, in the mutiny act; the opinion of the Legislature was perfectly clear, that the latter were not within the meaning of the statute. He then put several supposititious cases, wherein a brevet officer would be justified in taking upon him a command without a letter of service; and that the officer in actual rank, but inferior to the nominal one, would be justified in submitting to such command. The cases were supposed to be those of extreme necessity; such as an invasion, rebellion, &c. and where the officer was young in service. But even in these cases, if the brevet officer committed mal-practices in that command, he should certainly be liable to the jurisdiction of the courts martial: this he thought absolutely necessary, and he believed that it was the opinion of the army in general. The King had the power to add to and regulate the articles of war as he thinks proper, provided that no new offence was made capital; and every person in the army was subject to these articles, and liable to be punished by them: they extended to all officers. Therefore, as the question submitted to the judges related only to the construction of a clause in the mutiny act, the articles of war were not before them.

He argued against the absurdity of compelling an inferior to be subject to regulations to which his immediate commander was not liable, and to whom, by the laws of the army, the inferior is compelled to submit and must obey. He acknowledged the King's prerogative to hold courts martial abroad, and instanced that part of the articles of war, whereby an officer acting in a scandalous and ungentlemanlike manner was liable to be dismissed. His Majesty, it was true, might degrade him from his rank, but was it not better to be left to the decision of a court martial? He was therefore against the proposed amendment.

Mr. Francis dissented from the doctrine of the Advocate-General, and said, that the great intent of this act was, to prevent the Crown having one man more in the army than was voted by the Commons; and that all the former acts declared they must be mustered or in pay; but by taking out

Mr. Francis.
cis.

out ~~muster~~ and inserting *commission*, there might be an army in the kingdom unknown to this House. It might appear as of trifling consideration, but little things, when once admitted, may become great. He was therefore of opinion that the amendment should be adopted, in order that the spirit and intent of the act might be preserved.

Secretary at
War.

The *Secretary at War* remarked, that he had been attentive to the gentleman who started the objection, as he expected, that after the measure having been in existence a twelvemonth, he should have heard other reasons for the annulling it than those which had been deemed insufficient to prevent its being adopted on a former occasion; but as no one instance of any bad effect arising from it could be adduced, he held that circumstance to be the strongest conviction of its propriety. He said, that there were many cases in which it was not only proper, but the absolute duty of a senior officer by brevet, to take upon him the command; as for instance, were an insurrection to arise in a garrison town where a young officer commanded, would not he be happy to resign his command to the experience of an old officer? And would any call in question that officer's being liable to the jurisdiction of a military inquiry?—He had lately conversed with a gentleman of high military rank upon the subject, who had declared, that until the moment that the court martial on General Ross started them, he had never entertained the smallest doubts upon the subject: it was therefore no new matter; it was only confirming an old established opinion.

Mr. Fox.

Mr. *Fox* observed, that nothing could be more ridiculous than the assertion that a brevet officer might take a command without a letter of service. Suppose (he added) that an officer by some means, either chance or design, found himself in India, and in possession of a brevet commission in point of date or rank superior or prior to that of Earl Cornwallis; and on producing that commission, let us suppose the noble Earl obliged to resign his command to that officer, would the honourable and learned gentleman (Sir Charles Gould) take upon him to say, that the noble Earl would not, by this doctrine, be justified in giving up his command to which he was specially appointed by his Majesty? The idea was monstrous and absurd! The King's commission, by these means, would be trod upon, and the wisdom of his councils rendered of no effect. It will be urged then (continued Mr. Fox) that such a man should be tried by military law; I say, No—It is the officer who surrenders his command that ought to be thus tried; let the other come under the laws of his country. The words of the clause signify, (what we all agree in) that military men should be amenable

amenable to military law: but let us not include more under that denomination than there is really a necessity for. There can be no necessity for brevet officers to be thus considered as men out of the protection of the juridical laws of their country; it must be the wish of every Englishman to be protected by them in all instances; and until a necessity takes place, of his being under martial law, he ought not to be made amenable to it. The consideration of the half-pay officers being bound by the mutiny act is a serious matter, and ought not to be hastily mentioned.

Sir *Charles Gould* answered, that the right honourable gentleman must have misunderstood his argument. Lord Amherst, whilst in America, had a special commission, and could not be superceded; and every governor, and even lieutenant governor, had appointments which rank could not affect.

Mr. *Jolliffe* said, that he rose to trouble the Committee on this question, not in a military light, but merely as it might affect the subjects of this country in their civil situations. It had ever been his principle, and ever would be the first object of his life, to resist, so far as was in his power, any attempt to put any description of men under a military trial, who were not so by the military law, as it now stood. With respect to brevet officers assuming military authority, he had no doubt of saying, that they should be subject to military law, and the clause moved by the right honourable gentleman went completely to that; and on that ground it had been uniformly argued by the other side, except by one honourable gentleman (the Judge-Advocate). But were that the case for which this alteration in the law was attempted, the direct contrary would become avowed. The case however was this: General Ross had written some letter, or published some paper, supposed to be defamatory, against General Boyd, under whom he had served at Gibraltar, and on application to the judges they were of opinion, that for this supposed offence he could not be tried by a court martial. But did any man suppose that this offence might not have been tried by a jury? there was no doubt of it: then this alteration was proposed to render that to be a crime triable by a military tribunal which was merely a civil offence, because not committed under the command of General, but after his command had ceased. It had been said by the honourable and learned judge, "but there may be offences with which officers may be charged, which are not triable by a jury, and for which such officers may be driven from the society of their corps, unless they should on investigation be fully acquitted thereof." Mr. *Jolliffe* said, that he desired the honourable and learned gentleman

to shew him any one offence which a brevet officer could commit in his civil capacity, which was not triable at common law. He was sure that no such case, with respect to a brevet officer, could exist: this alteration therefore went to constitute an infringement on the trial by jury; it took a description of persons out of that mode of trial and placed them under a military tribunal; it was therefore a material alteration of the law of the land, and being in no respect whatever necessary, he should certainly object to it.

Captain *Phipps* said, that the great Duke of Cumberland acted in Scotland by brevet, and served without pay; and it was the right honourable gentleman's (Mr. Fox) intention, if his administration had continued longer, to have a commander in chief (General Conway) without pay in this kingdom.

Mr. Francis

Mr. *Francis* supported his former opinion; and asserted, that if the precedent was once established to have ten officers in the predicament which the bill authorized, there might be 10,000, and this House know nothing of them.

Sir George Howard.

Sir *George Howard* declared, that he never heard it asserted that military men should not be under military discipline: he never looked on half-pay as a reward; but always considered the officers' commissions to lie dormant, and not to be annihilated. When officers thus situated are called into service, they must have a new commission, but that one placed them in their old rank. He mentioned, that in the year 1745 an invasion was apprehended by the citizens of Bristol; and the Duke of Cumberland was requested to send officers to command the troops and embodied citizens there; but his Highness did not send officers of rank, and only nominated four half-pay officers to the service. This was a case in support of the opinions of the honourable gentlemen who were for the clause.

Sir James Erskine.

Sir *James Erskine* begged leave to draw their attention to the vote which they were about to give; as the words originally stood, they at least involved a doubt in respect to the half-pay officer; by the amendment proposed all doubt was done away, as if it was determined hereafter that officers acting by brevet were serving under proper authority, as worded in the amendment, it must of course meet all their ideas.

Col. Fitzpatrick.

Colonel *Fitzpatrick* instanced the case of Lord Rawdon, when on a separate command at Charlestown. He there found a brevet officer, who demanded the command of his troops; but the noble Lord refused to resign it, as it was a detached army under Earl Cornwallis. In answer to the Secretary at War (Sir George Yonge's) observation—of new ground to support his motion—Colonel Fitzpatrick observed,

ved, that he understood it to be his (the Secretary's) duty to instruct officers, and in that capacity he was ready to obey him; but as a director of his conduct in Parliament, it was the first notice he had of the honourable gentleman possessing such authority.

The Committee divided:

For the clause as it stood	73
For the amendment	25
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Majority for the clause as it stood 48

The bill was then gone through, and the usual blanks were filled up, and it was ordered to be reported.

The House adjourned.

Thursday, 1st March.

On the report of the mutiny bill being brought up,

Colonel Fitzpatrick lamented the loss of the amendment which he proposed in the Committee on the preceding day; and read part of the preamble to the bill, which he contrasted with the objectionable clause, and argued that the meaning and intent of the bill excluded officers with brevet commissions from its regulations and restrictions. In this opinion he did not stand alone, as several honourable and learned gentlemen considered it in the same light: he appealed to the Attorney General, and begged to have his opinion.

The Attorney General, after declaring that it was a species of law which he did not consider as belonging to his department, acknowledged that he had not given the bill, nor the clause under consideration, the smallest attention until the appeal made to him by the right honourable gentleman; and that as far as a hasty opinion could direct him, he did not think there were grounds for the objection.

The Judge-Advocate remarked, that he had always considered, until the late decision of the judges, that brevet officers were amenable to the mutiny act: he did not doubt but the learned judges were perfectly right in their opinions, and considered the clause in question to include every officer bearing the King's commission.

The Attorney General now said, if the right honourable gentleman has cause of objection, it certainly should be altered; but as far as I can discover in five minutes perusal, (and gentlemen of my profession are not much in the habit of giving hasty decisions) I am of opinion that the clause is comprehended in the spirit of the bill.

The Report was agreed to without a division or amendment, and the bill ordered to be engrossed.

The order of the day was read for a Committee of the whole House on the simplification of the Customs. Mr. Steele in the Chair.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* said, that he would not bring forward any motions in which any other alteration in the duty would take place, excepting the fractions being made whole numbers, without giving notice; and that he would, at present, propose some resolutions, where no other alterations were comprehended than those he had mentioned.

He then proposed several resolutions under the letters B. C. D. in the Schedules, which were agreed to. He declined going into the drugs, as a regulation would take place, in order to approximate the duty nearer to the real value of the articles than it is at present. He also mentioned, that he purposed making an alteration in the duty of several articles under the denomination of grocery; particularly pepper, which paid at present about four pence half-penny per pound, he intended to raise to six pence; and pimento, which at present paid about two pence per pound, should be raised to three pence: this would not affect the exportation of those articles, as the drawback was to be advanced in proportion, and it would rest entirely on the home consumption.

The House adjourned.

Friday, 2d March.

Major *Scott* moved, that a copy of the minutes on the council board at Bengal, in the year 1777, by General Clavering, be laid before that House.

This was agreed to.

Mr. Wilberforce.

Mr. *Wilberforce* rose to request the attention of the House to a subject of national importance as well as personal consideration to the gentleman to whom it immediately related. Mr. Lucham having, at his own risk, expended thirty thousand pounds by endeavouring to make convenient harbours and shelters for our vessels from the damages they sustained by being exposed to the monsoons, was necessitated thus to submit his case to Parliament. The poor man had expended the greatest part of his property in this public and very laudable undertaking: he had applied for patronage to the India Company and the Board of Control, and after having been five years in England on this business, he had received no promise of patronage, or even of indemnification. All he wished therefore was, that Parliament would consider of some mode that might prevent this gentleman from being, at least, at the entire loss of what he had risked on this public effort, and to afford him an encouragement to proceed;

ceed; and if he perfected his plan so as to afford this shelter for our ships to India, to give him a reward due to so essential a service.

Mr. *Francis* gave his entire support and approbation to what the honourable gentleman had proposed: he could bear his testimony to the utility of the undertaking. Being in India at the time when it was first projected, he could inform the House that it was a plan which, if effected, would prove of the most essential consequence to our navigation, especial in time of war in India; for as there now existed no shelter for our vessels in the Bengal rivers from the monsoons, those that were damaged were obliged to go to Bombay to refit: this occasioned a great delay in the commerce and communications of this country with India; but if harbours were made in this river safe and capacious enough to preserve our vessels from these contingencies, they would not then be obliged to go to refit at Bombay, where they were in general so long detained.

Mr. *Dundas* exculpated the Board from any intention of discouraging the undertaking, or suffering the projector to be at any loss for his public spirit. The reason why they had not yet decided on the subject was, that they conceived it would be acting exceedingly improper to engage a gentleman here to undertake a concern that was at a distance which prevented them from having a competent knowledge of its nature, necessity, or practicability. It seemed therefore more eligible to the Board, that a proper survey should be made on the spot, and agreeable to this report they had determined to act with respect to the petitioner.

Mr. Alderman *Le Mesurier* spoke in vindication of the East-India directors; when, after a few more words, the petition was ordered to be referred to a Committee.

The order of the day being read,

The House resolved into a Committee of the whole House to consider farther of the several articles of charge of high crimes and misdemeanors against Warren Hastings, Esq. late governor general of Bengal; and the Speaker left the Chair, and Mr. St. John took his seat at the table.

The honourable *Thomas Pelham* now rose, and observed that he considered himself particularly called upon to take an active part in the business before the Committee, having been a member of one of those Committees, whose Reports had furnished the House with proofs of misconduct in the East Indies, that prejudice itself could hardly have suggested; and having distantly and unworthily partaken of the credit that attended the investigation, by the honour of having his name inrolled with that of the right honourable gentleman who brought forward these charges, he was desirous

rous of showing a readiness to participate any obloquy that might accompany the present prosecution : he well knew how odious the character of an accuser appeared to some men, and was aware of how much he must suffer in their estimation, by endeavouring to persuade them to assume that character; but he trusted, that, in a British House of Commons, the accuser of a tyrant and oppressor would be considered in the character he should always be seen in, the active defender of injured innocence; and that as we were appointed the guardians of the liberties of this country, we should approve ourselves the formidable avengers of its injured honour. He considered this business of the utmost importance to our national character and honour, as well as to the preservation of our possessions in the East Indies; he consequently felt the weight of the task he had undertaken, and how much he should stand in need of the indulgence of the Committee. At an earlier stage in this business he might have been deterred from the attempt, considering who the person accused was; a Governor General, connected with people of the highest rank and consideration in this country, by the power he had long possessed of providing for their friends and dependants, and assisting them in making their fortunes. But the Committee have shewn to the world, by the last votes, that a line of justice outweighs every personal consideration; and highly as he admired and respected the abilities of the honourable gentleman who moved the last charge, he could not believe it possible that even his unparalleled eloquence could make this House swerve from the rules of justice, whatever effect his matchless speech might have had in rousing in them a proper sense of their duty. He hoped therefore, if he should be fortunate enough to be able to state to the Committee, in a clear and intelligible manner, the facts and circumstances upon which this charge rested, that it would receive the sanction of the Committee, and that the cause of the Nabob of Farrackabad would not suffer any prejudice on account of his want of eloquence, or any failure on his part.

He then stated, that the Nabob of Farrackabad was descended from an ancient and distinguished family in Hindostan. His father, Achmid Khan, had attached himself to the Company in their earliest wars, and fixed his residence at Farrackabad, a city of great wealth, and an important station as a frontier to the possessions of the Company; that he had been deprived of great part of his possessions at the close of his life by the Mahrattas; that the late Vizier recovered part of these possessions, and by several treaties guaranteed them to his son, the present Nabob; that the present Vizier had done the same; but neither the late nor present

sent Vizier had ever fulfilled their agreement, and levied a tribute upon the remaining part of his possessions, which they claimed upon the whole: but the servants of the Vizier had been guilty of great cruelties and oppressions in the collection of this tribute; that the tribute was assigned to the Company in payment of part of the debt due from the Vizier to the Company; that in consequence the Nabob of Farrackabad made frequent complaints to the Governor General and Council, from the year 1776 to the year 1780; that then Mr. Hastings recommended to the Board to send an English Resident to protect the Nabob from the cruelties of the Vizier's servants, and to collect the tribute; that in 1781 he made a treaty with the Vizier at Chunar, engaging to withdraw the Resident; however, he would not suffer the Vizier's servants to continue, and recommended a native of Farrackabad to manage the Nabob's affairs; that in 1782 he suffered the Vizier's servants to return; and in 1783 he again sent a Resident.

In these several transactions he intended to accuse Mr. Hastings of a breach of faith with the Nabob in signing the treaty of Chunar, by which he withdrew the protection he had offered him in 1780, and impute criminality to him for having received at the time of making this treaty a present of 100,000 l. from the Vizier. He meant to accuse him of an immediate breach of this treaty, by causing the Vizier's servants to be recalled, and appointing a native of Farrackabad; that he meant to impute criminality to him for suffering the Vizier's servants to supersede this native Minister, upon the ground of the report circulated at Farrackabad, and which was denied by the Nabob; that this native Minister had bribed Mr. Hastings to recommend him to the Nabob; and he meant to accuse him for appointing a Resident in 1783, in direct violation of the treaty of Chunar, attended with circumstances of the grossest duplicity; for even in this last measure to which he obtained the consent and approbation of the Board, he totally defeated the object of it, and deprived the Nabob of Farrackabad of the effectual protection he pretended to afford him, by sending secret orders to Mr. Willis, the new Resident, not to interfere in the management of the country, and making him subject to the recall of the Vizier.

He said, that the evidence he should offer in support of this charge was chiefly taken from the letters of Warren Hastings himself, that fertile source of information of East-Indian delinquency, and of materials for accusing the late Governor General.

He then read the Governor General's minute of May 20, 1780, in which he recommends the appointment of a Resident,

dent, from motives of justice, and a due regard to the Nabob of Farrackabad, to protect him from the oppressions of the Vizier, and to secure him against the knavery and corruption of his own servants, and as a means of securing to the Company the tribute which had been assigned to them.

He then read Mr. Hastings' remarks upon the treaty of Chunar, in which he agrees to recall the Resident.

He proved, that the two facts mentioned by Mr. Hastings in these remarks were untrue; for that Mr. Shee's (the Resident) conduct appears no where to have been complained of, and that Mr. Hastings himself, so far from considering him guilty of any misconduct, not only never imputes it to him when he recalls him, but rewards him first with a pension, and then with an office. The other fact, of the Nabob's having desired his recall through the Vizier, no where appears, though letters from the Vizier are produced, in which the Vizier wishes that the Resident may be recalled, in order that he might have the sole management of Farrackabad. He then argued upon Mr. Hastings' reasons for signing the treaty of Chunar, compared with these assigned in his minute of May —, 1780, for appointing a Resident. He said, that it could never be a subject of delicacy and difficulty to continue a measure in 1781, that common justice had suggested in 1780; that a regard to the Nabob, and desire of protecting him from the oppressions of the Vizier, as well as from the knavery and corruption of his own servants, and the security of the Company's assignment, were the reasons for doing that very thing in 1780, which he did not dare to do in 1781. But supposing that the recall of the Resident was become necessary on account of any misbehaviour of Mr. Shee, and that Mr. Hastings *really* wished to leave the Nabob in the management of his own affairs, in what manner does Mr. Hastings secure this object of his wishes? He *binds himself by treaty* not to send a Resident in future, and to recall the present; and trusts to a recommendation to the Vizier to follow his example; stipulates in a treaty for withdrawing the protection, and trusts to recommendations to the oppressor for future security against the exercise of oppression. But granting even that a recommendation of Mr. Hastings would have the same effect with the Vizier as a treaty, and that the Vizier's servants would not be reappointed, still the Nabob of Farrackabad remains exposed to the corruption of his own servants, and the Company's assignment thereby much endangered. It is not in Mr. Hastings' minutes that the true reason for signing the treaty will be found; the Committee will recollect the evidence of Sir Elijah Impey, who says, at the time of making this treaty, Mr. Hastings had failed in one great object; his credit

dit depended upon the success of the other; his situation was such that the *humanity* of the Chief Justice induced him to undertake the office of a common *emmannensis* in the service of the Governor General; the function of the Vizier was wanted for greater and approaching designs; he was to be soothed and caressed; Farruckabad was a favourite object with him; and the ten lacks of rupees which he gave Mr. Hastings at the time of signing this treaty dispelled all the alarms of the Governor General for the fate of the Nabob of Farruckabad; the present was the cause of all the delicacy and difficulty; and the looked-for treasures of the Princesses of Oude would be a sufficient indemnity to the Company for any failure at Farruckabad. Upon these grounds I charge Mr. Hastings with a breach of faith with the Nabob, and criminality in accepting of a present from the person into whose hands he delivered him. If he took it for his own use, he is guilty of gross bribery; if he took it for the Company, he is criminal for bartering the national faith and honour for money.

Mr. Pelham then proceeded to shew how early he endeavoured to break this treaty, and read several letters from Mr. Hastings to the Nabob, the Vizier, and Mr. Middleton, and the correspondence between Middleton and Impey. In the latter it appeared that Mr. Hastings considered the appointment of a Minister by the Vizier a breach of his orders; though the Vizier in his letter to Middleton, complaining of Mr. Hastings, says, that the express and declared object of the treaty was to give him the uncontrolled management of Farruckabad. He then read Mr. Hastings' correspondence with the Nabob of Farruckabad, in which he first recommends Subgut Ulla Khan to him as the proper person to manage his affairs, and then orders his dismissal, upon the report of his having said that he paid money for his master's independence; and notwithstanding the Nabob's positive denial of the fact, Mr. Hastings withdrew his protection from the Nabob, and suffered the Vizier's servants to revive all their former oppressions and cruelties. He then produced Mr. Hastings' minute of 1783, accompanied by a letter from the Nabob, praying him to appoint a Resident. Mr. Hastings states in his minute, that the implied orders of the Company induced him to take up the measure, though it appeared that, on the 16th of February, Mr. Hastings took the resolution of sending his private Secretary, Major Palmer, as Resident, and the Directors' letter was dated the 14th of the same month in London. The Council agreed to the appointment of a Resident, and Mr. Willis, was accordingly sent.

Mr. Pelham then read Mr. Willis' letter to the Council, subsequent to his arrival at Farruckabad, giving an account of the miserable state of the country, and offering, as an apology for his inability, to render any service to the Nabob or the Company, that he had received *private* orders from Mr. Hastings when at Lucknow not to interfere in the internal management of the Nabob's affairs, and was afterwards made subject to the recall of the Vizier. He said, that in this last transaction Mr. Hastings had not only been guilty of a breach of the treaty of Chunar, but of the greatest duplicity to the Nabob of Farruckabad, by offering an ostensible protection, which he was privately withdrawing, of duplicity to his brethren in Council, by secretly counteracting the orders he publicly proposed to them, and to which they had assented, and of duplicity to Mr. Willis, who was sent with full powers from the Board, which Mr. Hastings in his own person virtually annulled.

Upon full consideration, therefore, of his breach of faith with the Nabob in making the treaty of Chunar; his criminality in accepting a present from the Vizier at the time of signing the treaty; his immediate breach of the treaty; his unjustifiable surrender of the Nabob to the oppressions of the Vizier, on account of a supposed report circulated by one of the Ministers; the second breach of the treaty of Chunar by sending Mr. Willis, with all the circumstances of duplicity attending that transaction, he had no difficulty in moving that he be impeached.

He said farther, that he wished not to be thought so uncandid as to have paid no attention to Mr. Hastings' defence; but, as it had been denied to be his upon a former occasion, he was unwilling to press any thing upon him which he disclaimed, and would not therefore point out the contradictions contained in it.

Mr. Francis seconded the motion.

Major Scott.

Major Scott contended, that the present from the Nabob of Oude, was received for the East-India Company, and justified the recall of the Resident, and a variety of other matters on the ground of state necessity. He described the origin of the tribute exacted by the Nabob Vizier from Muzuffer Jung. He adverted to the particulars of the charge of Farruckabad. In his reply to these, he endeavoured to shew that Mr. Hastings had been obliged to adopt the conduct he had pursued in order to recover the arrears of 125 lacks of rupees, due from the Nabob Vizier to the Company. He asked, had the four lacks and a half of rupees been remitted to the Company during Mr. Shee's residence at Farruckabad? Had there been even one lack of rupees paid? There had not been one. It was, therefore, deemed necessary

fary to recall a resident who was continued there but to increase the impoverished state of the country.—With respect to what had been charged to Mr. Hastings having received the present of ten lacks of rupees from the Nabob Vizier, it surely, could not be imputed to him as a crime, when he had given the company credit for the said sum. During his speech he read a letter from Mr. Francis to the Directors, which stated that such was the situation of Farruckabad, that it was impossible they could even receive from that country the arrears that were due to them. But the event had proved the honourable gentleman (Mr. Francis) not to be a true prophet; for, Mr. Hastings had obtained the whole amount of what was due to the Company at the time when Mr. Francis wrote this letter. Surely Mr. Hastings was not, therefore, guilty of a crime, in having effected what was deemed by the honourable gentleman impracticable! And as this was so essential a sum to the affairs and commerce of the Company, he could not see in what any imputation of guilt could be alledged against Mr. Hastings.

With regard to the appointment of Mr. Willes, the honourable gentleman (Mr. Pelham) who had read the letter, omitted a most material part. Had he read this, it would have appeared that the treaty of Chunar had not been broken by the appointment; for, the appointment was not made without the consent of the Nabob Vizier. The words in the letter were, that he did not mean to appoint Mr. Willes as a resident at Farruckabad, without the consent of the Nabob, which he did not doubt but he should obtain; so that as the appointment was with the consent of those with whom the treaty was made, it was impossible to deem such a resident there an infraction of the treaty. As to the allegation of the impoverished state of the country, this was not to be attributed to Mr. Hastings. Indeed it was not mentioned in the charge. The English could not have any concern in it—there had been no forces in the country—it was at least upwards of a thousand miles from Calcutta; and with regard to our having impoverished the country, so far from any part of our army having been the cause, he believed he had been the farthest of any towards Farruckabad; and that was only to have passed the Ganges.—Therefore, no crime whatever could be alledged against Mr. Hastings in consequence of the impoverished state of that country. Here he entered into its description; by which it appeared that it was a considerable extent of country which was always poor and unproductive. There was in it no settled government. It was a scene of continual contest among persons who were perpetually claiming different parts of it as their rightful possession. From this unsettled and unpeaceful state arose its poverty and its

misfortunes. So that the sufferings of Muzuffer Jung were more to be attributed to his local dependencies than to any exactions of the English, or of the Nabob Vizier at their instigation.

Having stated these particulars, he argued strongly in defence of Mr. Hastings' conduct; the whole purport of which was to shew, that he had acted but agreeably to the emergency of the state of the Company, the situation of our affairs with the Nabob Vizier, and the general welfare of that government to which he had been preferred. From this conduct with respect to Farruckabad, the Company had recovered all the arrears to them from Asoph ul Dowlah, which they otherwise would have had not the least hopes or probability of receiving. He could not therefore see the least justice in charging Mr. Hastings with being guilty of a high crime and misdemeanor in having thus rendered the Company immediately, and the nation ultimately, the most essential and distinguished services.

Mr. Pelham declared, upon his honour, that no extract which he had read, had been mutilated through design, and that he had even studiously endeavoured to give those parts which seemed to make against his own opinion. He referred to the last extract which had been read by Major Scott, and challenged him to shew whether more information had been given by reading the whole, than he had supplied by quoting only a part.

Major Scott Major Scott agreed to this observation, as far as the instance went, which had been alluded to; but contended that his remark held just, with respect to the extracts in general.

Mr. Dundas Mr. Dundas remarked, that several observations had been made which he could not assent to in the extent to which they had endeavoured to press them. As to the subject of the present, which the honourable gentleman had laid so much stress upon, he observed, that on that subject he ought to have looked farther than this country, and the principles established here on the question of bribery and corruption. What would in Europe, evidently be a bribe, was in the East Indies, only to be considered as a sort of ceremonial of intercourse, which uniformly obtained in all transactions whatsoever, and there was no instance in which any business was transacted there, which was not always accompanied with a present. Every circumstance of that nature should then be weighed according to the principles and manner of the country where the business was conducted, and in that view of it there was no corruption whatever on the part of Mr. Hastings, but only a compliance with the established custom and uniform practice of the country. With respect to the breach of the treaty of Chunar, he by no means saw it in so criminal a light; the treaty itself, or at least

least that part of it which was most the subject of discussion, the situation of not sending a resident to the court of Far-ruckabad, was perfectly absurd; for it was contrary to all principles of policy for any state to enter into an agreement with any one Prince that it shall not, on any occasion whatsoever send an envoy to the court of another. The breach of that treaty on the part of the Company, was rendered absolutely necessary by the act of the Nabob of Oude himself, in transferring the Tunca, which he was possessed of on the territories of Muzuffer Jang, to the government of Bengal, for that Tunca would have been useless if a resident manager had not been appointed to receive it. He was, by no means, an advocate for the overloading every corner of India with British residents; but he looked upon it as absolutely necessary, where so great an interest as that of the Tunca on Far-ruckabad vested in the Company, to have an agent to superintend it. Perhaps he was the more inclined to excuse the breach of the treaty of Chunar from this circumstance; that he never liked that treaty, and always regretted its having been made—his prejudice, therefore, against the treaty, might naturally operate in reconciling him to the breach of it. It was not impossible, but there might have been some desirable object in view in the making of the treaty, and so it might have been justifiable to have made it notwithstanding that it was evident that a necessity would occur of breaking it—If this was the cause, he should then admit that it was a bad way of doing a good thing, and so he should excuse it, particularly if the same good end could not have been obtained by more direct means. But, what this desirable object was, and how it happened to be only attainable by such indirect, circuitous, and objectionable means, he expected to have fully explained before he could bring himself to look upon the transaction as innocent, or excuseable—and as yet, he had never heard any such explanation attempted.—He should also expect to hear of some actual necessity having existed for the recall of Mr. Shee from Oude, seeing that Mr. Hastings knew that by such zeal either the Nabob of Far-ruckabad must be sacrificed to the Nabob Vizier, or else be abandoned to the dangerous and destructive management of his own servants and family. Unless he could find a full answer to those two points, he should certainly feel himself indispensably bound to vote for the motion. In the course of his speech he entered into some ridicule of the habit which he obtained of entering in the discussion of the antiquities of East-India families, and observed that such researches were perfectly absurd as the only way to judge of any action was to consider the person immediately affected by it, and not to make any references to his ancestry. Mr. Dundas, after
having

having declared that those two points above stated must be cleared up before he could bring himself to vote in favour of Mr. Hastings, provided the motion was persisted in, and added that he could not but give a caution to the gentleman who had brought forward the charge, to reflect whether it would be worth while to prosecute it to the other House, as it appeared not likely, if substantiated, to add much to Mr. Hastings's criminality, or punishment, and would require a vast volume of evidence to prove it. This he only submitted to their discretion; for, if the question were to be put, he must vote for it, unless he should receive complete satisfaction on the two points which he had already stated. He made some observations on the system of policy proper to be pursued by this country in India, remarking, that if we attempted to treat with the native princes, on terms of chicanery and deceit, we were sure to be defeated; and that we ought to adopt a more sublime and honourable method of dealing, which was to treat them on all occasions, whatever might be the practice on their sides, with plainness, with candour and with sincerity.

Sir J. John-
stone.

Sir *James Johnstone* declared that upon his conscience, and upon his stumps, which were almost gone, and would scarcely last him the short part of his life which remained, he thought it right to vote against Mr. Hastings, and for the charge. It had been proved that Mr. Hastings had taken a bribe of 100,000*l.* The man who would take a bribe, must be a desperate villain.

Mr. Francis

Mr. *Francis* observed, that far from meaning to controvert the argument of the right honourable and learned gentleman, he agreed with him in great part of it, and particularly in his conclusion. But he wished to confirm the right honourable and learned gentleman where he seemed to doubt upon the force of his own reasoning. The right honourable and learned gentleman had begun with saying, that although taking a present in Great Britain under certain circumstances, would be considered as a bribe, accepted for a corrupt purpose, yet in India there might be a situation in which it would bear a very different construction. Mr. Francis asked if the right honourable and learned gentleman, when he used that argument, recollected that the present in question was ten lacks of rupees, a present of the value of 100,000*l.* Could such a present as that be given, or accepted for any other purpose than a corrupt purpose? The presents usually given in India as ceremonials, or what was termed Nazirs, consisted in general of no more than a few rupees, perhaps to the value of two or three guineas, which, to be sure would not operate on gentlemen corruptly; but even such presents he had known to have been given corruptly; and when he had said so, he spoke
upon

upon good grounds, for he had a thorough knowledge of the mode of distributing presents in India, to all amounts, and for all purposes. [a laugh] Observing this, Mr. Francis said that he believed, no gentleman in the Committee thought he had taken any presents corruptly. He certainly had not; but no man who knew any thing of India could imagine, that a present of 100,000*l.* could not pass from so extraordinary a person, to so extraordinary a person, and under such extraordinary circumstances, without being liable to imputation of a very suspicious nature. He remarked, that an honourable gentleman (Major Scott) in the course of his speech, had introduced some mention of the treaty made between the Company and the late Sujah Dowlah, as if it were to be imputed to General Clavering, Colonel Monson, and himself, as a matter of blame that they had declared that treaty at an end, when Sujah Dowlah died. They had done it, and for this reason; because it was a personal treaty. It could be no other, for Sujah Dowlah was a Subahdar, and a Subahdar could have no successors. He illustrated the meaning by putting the hypothetical case, that a King of France was to make a treaty of any kind with a Lord Lieutenant of Ireland; that treaty must be personal, and could not be denominated a treaty between the Most Christian King, and the Lord Lieutenant of Ireland, his heirs and successors, because they all knew that a Lord Lieutenant held his office under the crown and possessed no right of inheritance to his office. Mr. Francis alluded to a transaction which had taken place the other night, when Sir Elijah Impey was at the bar, and declared that he perfectly understood what was meant, and had no doubt, but the question put to the witness, and which the witness had, with an affected delicacy, desired not to answer, was a pre-concerted matter. He reminded the Committee, that he had called the witness back, and refused to accept any pretended civility upon such terms. This was (Mr. Francis said) a proof of the meanness to which those could descend, whom that House had heard praised for their magnanimity and greatness of mind. Mr. Francis now took up the character of Mr. Shee, the British resident at Farruckabad, to rescue it from the insinuation Mr. Hastings had thrown on it; he also produced a letter from Mr. Shee, stating that he had at that time (in 1782) just left Mr. Hastings at the Council Board, where he had entered a minute, expressing in strong terms the highest opinion of his character.

Mr. *Burges* declared, that the honourable gentleman who Mr. Burges spoke last had been mistaken in conceiving that the question which he had put to Sir Elijah Impey had been put by him in consequence of any preconcerted plan. He had put the question merely for information sake, and on no other account what-

whatever. He had never seen Mr. Hastings in his life, and was a stranger to Sir Elijah Impey.

Mr. Van-
sittart.

Mr. *Vansittart* contended, that as the affair of the present received by Mr. Hastings, from the Nabob of Oude, appeared to have made some impression on gentlemen's minds, it was necessary for him to state that Mr. Hastings never had a shilling of it, but that he wrote notice home to the Directors. Mr. *Vansittart* entered into a defence of Mr. Hastings in other respects, and pleaded in his behalf, justifying his conduct throughout the many transactions stated in the charge under consideration.

Mr. Burke.

Mr. *Burke* declared, that the charge consisted of a number of complicated crimes, each of them, in his mind, of a most heinous nature, each serving to throw light upon and prove the other. It was peculiar to Mr. Hastings to do every thing in an indirect way, and to prepare for and blend his most serious transactions with a heap of farcical mummery, that there was scarcely any one instance in which he had not carried the extent of his despotic powers to their highest extent, and manifested the most violent degree of oppression and tyranny, but that although the tragical event was sure to excite horror, the means by which it was effected had always something in it which provoked ridicule. An example of this was, no doubt, to be found in the whimsical scene, which must have presented itself to the beholder, could an person have been present at Chunar when Mr. Hastings was employed in juggling the Nabob Vizier to sign a treaty, which treaty he knew at the time there would be an absolute necessity to break soon afterwards, and with the conditions of which he never meant to comply. Mr. *Burke* here imagined Mr. Hastings, the Nabob of Oude, and Mr. Middleton to be in the same room together, and described Mr. Hastings as presenting one treaty to the Vizier, and when he was ready to sign it, suddenly drew another treaty out of his pocket, and slipping it before the Nabob, telling him either himself or by Mr. Middleton, that he must have a very different treaty to shew in Leadenhall-street, from that which they meant to act under; he begged he would sign that, but that he would comply with the conditions of the other; for though he had often broken his faith, and meant to do so again, yet that he might rest assured he would be honest to him. Mr. *Burke* used some arguments to prove that the taking 100,000*l.* of a man in such known distress as the Nabob of Oude was at the moment when Mr. Hastings took it, and when he stood so deeply indebted to the Company, was corrupt and scandalous; and that nothing could be more wicked than the making a treaty, and pledging the faith of the Company, when at the time the contracting party in their behalf knew that he should himself
create

create the necessity to break it, and thus wantonly sacrifice and violate the solemn engagement of the Company. This was surely a most criminal act, and alone deserved to draw down the heavy arm of justice on the delinquent capable of such conduct. With regard, to what had been said by the right honourable gentleman, it ought to have its weight, because they could not in a proceeding of so much magnitude and importance, measure their steps with too much prudence. "*Nullum numen abest, si sit prudentia.*" Let it however, for the present, be remembered, they were not yet arrived at the day, when it would be necessary to determine, what of the articles which that Committee had voted, would, upon principles of prudence and expediency, be fit to go up to the House of Lords.*

Sir *Jam^s Johnstone* rose again, and said, that he understood that some gentlemen had not conceived why he should vote for the charge; he begged, therefore, to state the reason, and then they would know why. A sum of 100,000*l.* had been taken of the Nabob by Mr. Hastings, and it was said that he had afterwards written home to the Directors, and told them they might have it. Was that any reason why Mr. Hastings should not be tried. Suppose he robbed a man on Westminster Bridge, and afterwards threw the money into the river; or suppose he was to squeeze an hundred thousand pounds out of a rich banker's shop, and go and give it to a parcel of poor wretches, ought not he to be taken up, to be tried, and if convicted, hanged for it?

Lord *Mulgrave* argued against the light in which the several essential points of the present charge had been placed by those who had spoken before. He justified the Nabob of Oude, for his wishing Mr. Shee, the resident at Farruckabad, to be recalled. He said that the Vizier well knew that the moment a British resident set his foot in the dominions of an Indian Prince, he instantly drew to himself all the power belonging to the territory, and became, as it were, its master. Mr. Shee had been sent up to Farruckabad as an agent for the Nabob of Oude, and he was obliged to go to the Vizier for his powers, when he demanded a Purgunnah, but the Vizier would not grant it, but said, "No, go upon your tuncas, (or mortgage) and collect that, it is all you have a right to." This therefore shewed that Mr. Shee went to Farruckabad merely as a bailiff's follower, carrying the writ of execution into a debtor's house; and yet they might see a letter from Mr. Shee, written with all the pomp and parade of a general officer, and

* For a farther elucidation on this subject, it may be necessary for the reader to consult Mr. Burke's charges against Mr. Hastings, printed for Debrett.

stating that he had taken a fort by sap. A plain proof, how much reason there was for the Nabob Vizier to wish to have no more British residents in his provinces. He added, that we had reason to be thankful that India was at such distance from us; for, it was plain that in order to manage the difficult government of that country, some things were unavoidable, at which an Englishman, who lived under a constitution so extremely different, could not look with patience; but that very circumstance proved, that we were not fit judges of the conduct of a man who had acted upon the whole so gloriously for his country as Mr. Hastings, and who, had his scene of action been placed nearer our view (he was persuaded) would have been more universally admired.

Mr. Francis explained, that the fort which Mr. Shee had taken (as the noble Lord had said) by sap, was merely a mud fort, in which a rebellious zemindar had secreted himself. And when Mr. Shee took him, there was no British force in that part of the country. He had only a small party of the Nabob of Farruckabad's rabble. Mr. Francis said, that the imbecility of Muzuffer Jung was occasioned by his intoxicating himself with opium and strong liquors, in order to deaden the sense of the misery which Mr. Hastings had brought on him.

Mr. Demp-
ster.

Mr. Dempster complimented the honourable gentleman who spoke last, but said that it was not merely Muzuffer Jung who swallowed large quantities of opium, and intoxicated himself with liquors and herbs which had a similar effect; every prince in India did the same, in order to lose the sense of the poverty and distress the British government had brought on them, and the devastation that British rapine had occasioned in their territories. But this was no new matter; they had taken opium, and made themselves drunk with liquors and herbs long before Mr. Hastings was in India, and they did the same now Mr. Hastings was in England. It was the sad resource they had been driven to ever since we set foot in India to deprive them of their personal rights and riches. Mr. Dempster observed, that a right honourable and learned gentleman (Mr. Dundas) who spoke early in the debate, had not, when he sat down, quite made up his mind, but had declared that if two doubts which he entertained could be resolved satisfactorily, he would vote against the charge. He would endeavour to solve those doubts. He then stated that the Nabob of Oude had stipulated in the treaty of Chunar, that Mr. Shee should be recalled from Farruckabad, and therefore Mr. Hastings was bound to comply with the conditions of the treaty.

Mr. Dundas

Mr. Dundas restated his principal doubt, which was, that Mr. Hastings, after having engaged to protect the Nabob of Farruckabad, had reduced the Nabob to this alternative,

either to put up with the oppression of the Nabob of Oude, or to be pillaged by his own subjects and servants. Mr. Dundas declared, that he had not heard one syllable to remove those doubts; and therefore, however he might in the early stage of the debate, have entertained doubts of the culpability of Mr. Hastings, he now sat down fully confirmed to vote for the motion.

Major *Scott* owned that the objection had not struck him, Major *Scott* and therefore he was not prepared to meet it.

Lord *Hood* now rose, and said, I do not rise, Sir, to ob- Ld. Hood.
trude myself upon the time and patience of the House for more than five minutes; but I cannot content myself with giving a silent vote upon the present occasion, and must beg the indulgence of the Committee to express my humble sentiments in a very few words respecting the late Governor General of India, the subject of this night's debate.

I never, Sir, saw Mr. Hastings but once, and that for three minutes only, soon after his return to England, nor have I ever had any sort of intercourse or connection with him, and he is so much a stranger to me, that I do not believe I should recollect his person, was I accidentally to meet him any where; but I confess, Sir, I admire and respect his character, for having so invariably made all personal consideration to himself give way to his regard for the interest and welfare of his country; and I am free also to confess, that the several very eloquent and able speeches I have heard, particularly the one so forcibly delivered by the honourable member who opened the debate, or what has been delivered at the bar of this House, have not altered my opinion of him; being very sensible, Sir, and perfectly well aware, how very arduous and difficult Mr. Hastings' situation was, surrounded on all sides by such pressing difficulties, that almost any other man must have sunk under; but, by his great fortitude, persevering zeal, and uncommon abilities, he rose superior to them all, and proved himself most clearly the preserver of India to this country. I have, Sir, to the best of my poor judgement, very maturely weighed and considered Mr. Hastings' errors and supposed delinquencies, and having fairly and impartially balanced against them his eminent services and real merit, I cannot hesitate one moment how to give my vote; and if, Sir, the representatives of the nation in Parliament will not condescend to adopt that mode of judging men in high trust and command upon foreign service in war, miserable and unfortunate indeed must be their situations; for I will be bold to say, Sir, there never was a man in command abroad, in time of war, that has not found it his duty to do, as an officer, for the good of the public service committed to him, what he could not reconcile to be perfectly consonant to the strict rules of equity and justice, or to his own feelings, as a man acting in

a private capacity. Advanced, Sir, as I am in years, there is scarcely a possibility of my ever being in foreign command again; but I feel for those who are to come after me; and, having been in that situation, what I take the liberty of saying arises from experience. When I had the honour, Sir, of being at the head of the naval force of this country in the West Indies, His Majesty's fleet under my command, consisting of twenty-two sail of the line, had no bread to eat for a month, and, by much the greater part of that time, a far superior force of the enemy appeared in sight daily; to supply the want of that very essential article I was obliged to have recourse to yams, (a root of the potatoe kind) as a succedaneum for bread; and it afforded me one of the most heartfelt gratifications of my life, that under that great difficulty not a murmur was ever heard from any man I had the honour to command: such was the confidence the fleet had in me, and such the conviction, that I was never backward in showing all possible attention to it. To procure the relief the fleet stood so much in need of, from the want of bread, I was compelled to use the arm of power, and to direct every small vessel to be seized upon that could be got at, to send to the different adjacent islands for yams. Suppose, Sir, those vessels, so forcibly seized upon, contrary to the inclinations and strong remonstrances of those to whom they belonged, had been lost or taken by the enemy, what, Sir, must have been my situation, if the government of this country had been backward in standing between me and damages? I must have perished in a jail; as it was, Sir, I was threatened with numberless prosecutions, because the naval officer did not fully satisfy the demand of their owners.

I do therefore, Sir, most earnestly entreat and implore the Committee seriously and deliberately to weigh and consider not only the perilous situation of the late Governor General, but of the valuable and extensive territory committed to his care. And I beg to submit to the cool judgement, the candour, the good sense of the Committee, whether, what is the hard, and, in my opinion, the undeserved lot of Mr. Hastings, may not in a future war be drawn into precedent against some great, distinguished, and highly-meritorious General or Admiral, who had rendered essential services to his country, as the Commander in Chief of an army or a fleet; and whether, Sir, it may not lead some man, or set of men, who may then happen to be members of this House, to investigate the conduct of such Admiral or General, and, upon finding some part of it exceptionable, (and which most probably he himself could not think right, as a man acting in private life, yet thought it his indispensable duty to do, as an officer, for the good of the public service, and possibly

possibly in the event, for the preservation of the force under his command) to arraign him at the bar of this House as a delinquent; not perhaps, Sir, so much from enmity or ill-will to the officer, or from any regard to justice, but, through him, to harass and worry a Minister, and to protract the public business of the nation, in order afterwards to be furnished with a plea for a charge against him for having done no business at all.

Under these circumstances, Sir, I have taken the liberty to state, and which the times may render highly probable, every man entrusted with foreign command in time of war must in future serve with a halter about his neck; for, to an officer, Sir, of nice feelings of honour, conscious of having discharged his duty well and faithfully, it must be matter of indifference whether his life or his well-earned fame is taken away. But I hope and trust, Sir, that I shall not be understood, by any gentleman who hears me, to entertain an idea that every officer is not, or ought not to be, strictly amenable to his country for the whole of his conduct; all I contend for is, that when any part is arraigned, due regard should be had to the motive that occasioned such part; if it proceeded, Sir, from private, personal, selfish considerations to himself, no punishment can be too heavy or severe; but if, on the contrary, it proceeded from zeal to, and the necessity of, the public service, really, Sir, in that case no blame can justly fall upon him.

I beg pardon, Sir, for the trouble I have given the Committee, and feel infinite obligation for its great indulgence to me; but I could not resist the impulse I felt, to say thus much in justification of the vote I have given, and for those I shall feel myself bound to give, whenever any future charges are brought against Mr. Hastings; and judging, Sir, in the manner I do of him, by balancing his great services against his errors, I am perfectly free to say that I cannot think him deserving of public censure.

Mr. Chancellor Pitt declared, that he should have rested totally content with giving a silent vote on the question, so evident to his mind, were it not that he felt himself called upon to say something in answer to what fell from the noble Lord behind him. The high respect which he entertained in common with that House and the nation for the character of the noble Lord, and which he must ever feel for so very distinguished and gallant an officer, rendered him more particularly anxious to give an immediate answer to his arguments, lest, coming from the quarter they did, and in the manner and circumstances attending them, they should, from the uncommon weight of the noble Lord's authority, more especially on such a subject, be apt to mislead and

Mr. Chan.
cellor Pitt.

and blind the judgement of the Committee. After paying many compliments to Lord Hood in his private as well as his professional character, and observing that his meritorious services as a commander were only to be equalled by the purity of his conduct as an individual, he said, that the argument which he had used came with a peculiar force from a person of the noble Lord's description, because no man who heard it could doubt its sincerity. Still, however, it was an argument which he hoped the House would resist, and while they allowed every degree of strength to the noble Lord's principles as applicable to his own conduct and situation, would yet guard against their interference with respect to those of the unfortunate person (for so he must call him) who was the subject of that day's debate. The noble Lord had argued in general in favour of those who being entrusted with the great interests of their country, were sometimes, from the difficulty of their situation, reduced to the necessity either of sacrificing those interests, or of violating the direct rules of private justice. Such situations were likely to occur and were certainly much to be lamented, and it was natural for the noble Lord to resort to a supposition of such a situation in excuse of Mr. Hastings, conscious as he was that in the course of his own services he had never suffered such a necessity to operate on him, from any other motives than those of the public welfare, nor ever suffered it to proceed farther than that consideration warranted and rendered indispensable. He admitted, that in the case of every servant of the Public, to whom mighty and momentous concerns were entrusted, it was but just that when a complaint was made, the grounds of that complaint ought to be weighed with the situation in which he stood—if he suffered the necessities of his service to carry him no farther than was absolutely necessary, and endeavoured, though it could not be done in its full extent, to reconcile his duty to his country with that of individuals—he had then the double merit of discretion as well as zeal; nay, even if in his exertions for the Public he suffered him to go beyond the line of strict and urgent necessity, provided it was evident that his intentions were fair and upright—then, Heaven forbid that he or any man should deny him his due merit, or say, that the abundance of his zeal ought not to be allowed to make ample atonement for the error of his judgement. In such situations as these the noble Lord, in his long course of services, must have been; and he was convinced, that his conduct under them had always proved such, as to reconcile, as far as possible, his political and moral duties. But, he asked, was the conduct of Mr. Hastings, in that part of it now before the House, correspondent to such

such principles? Was the crime that day alledged against him justified by necessity, or was it of such a size and completion as any existing necessity could justify? Where a departure was made from justice and right, it was not sufficient to say that such a step was necessary; it was incumbent on the party to point out and prove the necessity, and the consequences likely to attend a too rigid observance of strict justice and propriety, that a comparison might be taken between the object to be gained and the sacrifice to be made, and a judgement, of censure or approbation founded on the result of such comparison. He should not take upon him in the present case to determine how far any necessity could justify the crime then under discussion; that would be the province of those who were to apportion the punishment; and it was sufficient for that House to see the crime substantiated in order to their becoming accusers. But in this instance there was no state necessity whatsoever attempted to be shewn, and therefore there was no ground whatsoever for those who saw a criminal tendency in the transaction to refuse their consent to the motion.

Besides this topic of the necessities of his situation, the noble Lord had resorted to another in favour of Mr. Hastings, which was his general merits in the course of his service. There had been a period, he confessed, in which such an argument might have been urged with some force, but that period was now passed. If at the commencement of the inquiry it had been urged in favour of Mr. Hastings, that if his conduct in some parts of his administration had been faulty, yet those faults were highly compensated and fully counterbalanced by the general tenor of his conduct, and the brilliant and meritorious services which he had performed; in that case the House would have had to have weighed his crimes against his virtues, and to have considered how far his services were to be regarded as a balance against his delinquencies, and whether those delinquencies were of such a nature as would allow that House, consistent with its own reputation, to admit any balance whatsoever from any services. But such a consideration could not with any propriety take place after the inquiry had once been instituted; the Committee were then called upon to determine, not upon a general view of facts—the general merits or demerits of the person accused—but on a particular investigation of a particular transaction, of the criminality or innocence of that single transaction. Mr. Hastings had thought it advisable to disclaim and relinquish all benefit which he might have expected from a consideration of his services: he had decisively and boldly declared, “that in
“ inquiring into the charges against him he desired no set-off
might

“ might be made on the score of his services ; for that he
 “ was persuaded, instead of the censure, he would be found
 “ to be intitled to the approbation of that House, even
 “ upon the very facts which were made the foundation of
 “ those charges, as soon as they should come to be properly
 “ understood and investigated.” After such a proceeding
 from Mr. Hastings it would be highly unjust to have de-
 parted from the line in which he chose to have his conduct
 considered, and to have thrown such a shield between him
 and public inquiry ; nor, after having proceeded so far, could
 the House, consistently with its own honour, interpose to
 cover him with a shield. Still he admitted there was yet a
 stage, in which the merits of Mr. Hastings might and ought
 to be weighed against his failings ; and this was, when (in
 case of conviction of the charges laid against him) he came
 to receive sentence. Undoubtedly, should it appear before
 that period to have been made to appear (as had been so
 often alledged in his favour) that there had ever been a time
 when India would have been lost to this country, but for his
 exertions and abilities, certainly such a consideration must
 have a powerful effect on the minds of those who were to
 apportion the punishment. Whether the services of Mr.
 Hastings were such as would bear such a comparison with
 his crimes (for in that light many of his actions had already
 appeared), as would intitle them to be taken by his judges as
 matter of excuse or mitigation, he should not take upon
 him to determine. But certainly, as all circumstances
 stood, they were by no means an object at present for the
 consideration of the Committee : with respect to the parti-
 cular charge then under discussion it had been already so
 ably handled, that he should not take up much time of the
 Committee in enlarging upon it ; and he would only say,
 that Mr. Hastings from his own words clearly convicted
 himself of criminality.

He then read a part of Mr. Hastings’ correspondence ;
 where, in speaking of the recall of Mr. Shee from Farruck-
 abad, Mr. Hastings acknowledged, “ that by so doing he
 “ must give up Nabob Muzuffer Jung to the oppression of
 “ the Vizier,” so that he could not justify himself for such a
 step by any plea of wanting sufficient warning of the con-
 sequence, having evidently foreseen it ; nor had there been
 any grounds of necessity alledged to palliate the measure.
 But besides this letting loose the Vizier on the Nabob of
 Farruckabad, the consequence of which he knew would be
 the ruin and oppression of that unfortunate prince, and that
 without any necessity, what could excuse his acceptance of a
 present of such magnitude as that which he had received
 from

from the Nabob of Oude? Could such a transaction be excused by any degree of necessity? Was there a fleet in want of her necessary supplies, or was any army waiting for subsistence? Or did any one branch whatsoever of the public service render so extraordinary a resource requisite?—No; it could be justified by no one necessity; it could be accounted for by nothing but corruption. But what he had chiefly risen for was, to interpose as speedily as possible between the high authority of the noble Lord and the feelings of the House, lest they might be led by his arguments to confound the cases; that of a man struggling against a violent necessity, and at length obliged to give way to the exigency of the public service and deviate into a necessary injustice—and that of a person wantonly committing acts of tyranny and oppression, for which not even a pretence of public service had been alledged. He was by no means apprehensive that this example of the House of Commons of Great Britain taking an active part in bringing those who had served the State, in the most exalted situations, to justice, would be attended with any bad consequence to the public service; but on the contrary, besides that it was a duty which they owed both to their own and the national character, he looked upon it as the best method of insuring the most scrupulous and dutiful conduct of our several commanders, when they were taught that the House of Commons would not disgrace themselves by screening a public delinquent, how high soever might have been his rank and situation, how brilliant his abilities, or how eminent his services: they would be cautious, when they knew that any deviation from the strict rules of integrity would be judged only by the nature of the necessity which occasioned it; and that although no merits would be considered as an excuse for wilful and corrupt misconduct; yet that even a necessary dereliction of principle must only be excusable by uniform and meritorious exertions. And he begged the House that they would by no means suffer the inference of the noble Lord from his own principles and conduct, to mislead them in judging of that conduct and of those principles which gave rise to the present charge. The noble Lord, feeling the unimpeachable integrity of his own motives, was willing to impute the same sentiments, where, he much feared, they had not existed.

The question being put, the Committee divided;

Ayes 112 — Noes 50. Majority 62.

The House adjourned,

Monday, 5th March.

Sir M. W.
Ridley.

Sir *Matthew White Ridley* flattered himself that the House would indulge him with their particular attention, whilst he adverted to the case of Captain David Brodie, an officer of most extraordinary merit, who had been superseded in the late promotions to the flag, on account of his not having served in the last war, an order having been made that no officer so circumstanced should be promoted. Sir Matthew contended, that it had not been owing to any fault or failure of his own that Captain Brodie had not served in the war preceding the late promotions, since he had repeatedly applied, and offered his services in person, and had also applied by letter. In the course of his speech Sir Matthew read the following

Memorial of D. Brodie, Esq. Captain in His Majesty's Navy (1787.)

"Most humbly sheweth,

"That your memorialist has been sixty years in His Majesty's Navy—Commanded the admiral's tender at the taking of Portobello—was at the bombarding Carthagena—taking of Chagre—taking of Bocachica—and in most of the actions that happened in the West Indies during the war with the combined arms of France and Spain.

"Your memorialist was promoted to the command of the *Merlin*, a sloop of 10 guns and 110 men, in the West Indies, and rendered the following services to his country; for which he received a letter of thanks from the then Lord of the Admiralty.

"1st. He sustained an attack from a 50-gun ship for a considerable time, in which he lost many men. Two other ships coming in sight, the enemy left him; they afterwards proved to be two of his own.

"2d. He took the *Union*, a French privateer of superior force.

"3d. He took the *Vainqueur*, a French privateer of superior force.

"4th. He took the *Bacchus*, a French privateer of superior force.

"5th. He took the *St. Antonio*, a Spanish privateer.

"6th. He took the *Petit Guava*, a French privateer of equal force.

"7th. He took the *Ferdinand*, a French privateer of superior force, which he boarded. She had 42 men killed and wounded.

"8th. He attacked two Spanish zebecks that had taken the *Blast* and *Achilles*, two of our sloops of war; and after
a def-

“ a desperate engagement they were obliged to retire, and never appeared more in those seas. The memorialist derived peculiar satisfaction from this success, as he afterwards found they had been fitted out expressly to take him.

“ 9th. He took two French ships of much superior force; in which action he was wounded in the side, and lost his right arm.

“ Your memorialist was made a post captain in March 1747, and commanded the Canterbury, at the taking of Port Louis, and the attack of St. Jago da Cuba. He commanded the Stafford, in the engagement off the Havannah in the year 1748, in which he took the Conquestadore, of 64 guns, the only ship taken in the action.—After the Conquestadore struck, the Spanish admiral's ship, the Africa, of 74 guns, continued the action with the Stafford, from three till nine, when we laid him in close to the shore. The Stafford being then very much disabled, the pilot refused the charge of her any longer, and after being with great difficulty wore, your memorialist repaired his damages as well as he could in the course of the night. The next day the Cornwall and Stafford went in with intention to burn the Spanish admiral's ship, but was prevented by the Spaniards setting fire to her themselves.

“ That your memorialist has regularly, since that time, applied to Government for employ whenever he thought his services might be wanted; but, not having served in the last war, being alledged as the reason of his having been superseded in the late promotions to the Flag, he humbly requests to lay before the House of Commons the following written testimony, having made perpetual offers in person before.”

Copy of Captain Brodie's letter to the Admiralty on the commencement of the last war.

South Audley Street, Jan. 5, 1762.

“ Sir,

“ War being declared against Spain, I take the earliest opportunity to offer my service, whenever their Lordships think proper to honour me with their commands. I was found serviceable during last war in the West Indies, where I am well acquainted; and hope I shall not be found less so, if their Lordships think proper to employ me in any part of the globe.

“ I am, Sir,

“ Your most obedient humble servant,
David Brodie.”

“ John Cleveland, Esq. Admiralty.”

B b b 2

Copy

Copy of Mr. Cleveland's answer.

Admiralty office. Jan. 7, 1762.

“ Sir,

“ I have communicated to my Lords Commissioners of the Admiralty, your letter of the 5th instant, desiring to be employed.

“ I am Sir,

“ Your very humble servant,

“ J. Cleveland.”

“ Captain Brodie, Town.”

Sir Matthew White Ridley, now enforcing the claim of Captain Brodie, declared that he asked for no emolument, or pecuniary reward; but was anxious only to obtain (what every man of feeling must conceive to be dear to an officer as his life) the rank to which he was entitled by meritorious services, and the denial of which he could not but consider as a depredation and disgrace, implying censure and involving punishment. In conclusion, Sir Matthew moved an address to His Majesty, alledging, on the part of the House, their being satisfied that Captain Brodie was entitled to a restoration to rank, and praying His Majesty to distinguish him by some mark of his Royal favour.

Sir John
Miller.

Sir John Miller observed that, in seconding (as he did) the motion of the honourable Baronet, he felt the highest confidence, in as much as he had been for many years the neighbour of the worthy veteran, whose case was now under the consideration of the House; and who (he could assert from his own knowledge) was as much esteemed for his personal virtues in private and retired life, as he had been respected by men of eminence and discernment in the navy, for his services and exertions in the line of his profession. Captain Brodie's memorial (which he held in his hand) crowded into a very narrow compass, services which would have dignified the longest life, services which the country should be proud to acknowledge, services which the House (he thought) would certainly have sent up to the Throne for acknowledgement on the 11th of last May, by a respectable majority. Had the present question come before them, at that time, which would have proved the case, but that it appeared to the friends of Captain Brodie, who were then present, that it would be more for the honour of Parliament, of the nation, as well as of the meritorious officer himself, to permit a becoming requital to descend upon him graciously and spontaneously (which they fully expected would have been the case in consequence of the statement then made to Parliament) and without struggle or resistance from any quarter whatsoever.—Sir John here called to the recollection of the House what had passed in that assembly

assembly upon the eleventh of May. Captain Brodie's services and wishes were laid before them, and a motion was made immediately after for placing upon the invalid list such of the eldest naval captains whose commissions bore date prior to some or any of our flag officers.—That motion was carried by a respectable majority, which made him presume that any mention in favour of Captain Brodie would have been carried also upon the same grounds, and perhaps nearly by the same majority. The extent of Captain Brodie's services entitled them to notice; sixty years constituted no common length of military service; and suggested to him an observation, that when this gentleman first entered into the naval line, some of our present admirals were not yet born, two of them he could assert were not, than whom no officers had done more honour to themselves or more distinguished services to their country. It might be asked, what prevented Captain Brodie obtaining from former Administrations what he now solicited through the intercession of that House? The reply was, that it was known to the navy, it was known to Parliament, it was known to every man in the nation, that Administration, and that Board of Admiralty which had so long disgraced and dishonoured, and which in the end had nearly ruined the country, had been distinguished beyond all others for little mean prejudices, jealousies, factions, partialities, jobs, and acts of injustice, to which the brave and the generous were frequently the victims. And of this Captain B. experienced the truth in all his applications for justice or redress. Thank Heaven! Sir, (added Sir John) the Administration of this day has far other features and characteristics. Thank Heaven! Sir, such meannesses no longer preside in our navy. The noble person now at the head of the Admiralty has always been distinguished for firmness and justice; for coolness and intrepidity in war; for a faithful œconomy of public money, and an intense and unceasing application to the duties of his situation in peace. To such an Administration, and to such a Board of Admiralty, may not age and service look up for shelter? From such a character, may not injured merit expect retribution? Sir John said, let me add, that, which though not immediately relevant to the subject before us, can never be an unreasonable communication to this House, and which I can aver from information of reliance and certainty, that never since this nation had either name or existence was the British fleet so considerable in point of number, force, condition, or efficacy of ships; nor our dock-yards, and magazines so amply, completely and abundantly provided with every kind and species of military stores as at the moment in which I am now speaking. Let no man imagine that Captain Brodie comes to this House to
look

look for private profit or emolument. No, Sir. Fortune, who has, hitherto refused him his fondest wish, has put him far beyond the reach of all pecuniary necessity. But Captain Brodie comes to this House, Sir, for a testimony of his long and faithful services; he comes to us for a reparation of his injuries, and, with his injuries, of the injuries of his whole profession. The additional expence of the nation by this act of justice to Captain Brodie, would, I understand, amount to nearly 120l. per annum, no very great nor very lasting incumbrance for the remainder of a life now verging to its 78th year, wasted, broken, and shattered by climates and hardships, and wounds and injuries.

Captain L.
Gower.

Captain *Leveson Gower* having premised that the notice of the intended application of Captain Brodie had pointed it out as necessary to have a reference to the books of the Admiralty office, in order to ascertain what had been the proceedings there with respect to Captain Brodie; added, that he therefore rose not to say any thing against Captain Brodie, or in depreciation of his merits, but merely to state a few facts, resulting from the reference which he had mentioned; and he meant to leave those facts to the judgement of the House, without offering any observations of his own. Captain Gower then stated, that it appeared that Captain Brodie lost his right arm in 1747, and that in the year 1750, he applied by a memorial to the Board of Admiralty, stating, that from his wounds he was incapable of service, and praying to be recommended to His Majesty for some mark of his Royal favour; that in 1753, he presented another memorial to the same purpose with the former, but couched in still stronger terms. That a pension was, accordingly, granted to Captain Brodie; that he applied to the Board of Admiralty, offering his services, in the year 1762; that a peace soon followed, and that Captain Brodie had not been promoted, as he was considered as coming within the rule, that no officer who had not served in a war preceding a promotion, could be entitled to be comprehended in such promotion. In conclusion, Captain Gower begged leave to remind the House, that the proceedings which he had stated took place during various Boards of Admiralty, and that of course the present Board were not at all answerable for what had happened.

Sir Edward
Affleck.

Sir *Edward Affleck* declared that he had long known Captain Brodie, and been a witness to his conduct in some of the actions in which he was engaged. He rose therefore for the purpose of bearing testimony to the facts stated in his favour, and to declare that a more meritorious officer than Captain Brodie had never served His Majesty, and that he was as good a man in private life as had existence.

Sir

Sir *John Jarvis* remarked, that he likewise felt it his indispensable duty to do justice to that great man whose case was then under consideration, and to declare that a more gallant officer, a person of more zeal, of more true courage, or of a more enthusiastic spirit of enterprize, never was in His Majesty's service.—Sir John stated, that Captain Brodie's repeated application to the Admiralty Board, to be employed during the war with Spain, when she joined France against us, was a sufficient answer to any argument which could be adduced from his having, in his application for a pension, declared himself at that time incapable of service. His active spirit, and his professional zeal, had induced him to continue in command, immediately after the loss of his arm, and the consequence was, that his wounds grew worse, from too much exertion in an unwholesome climate, and he was rendered for three or four years incapable of serving; but when he grew better, he was desirous to return to the exercise of his duties as an officer; and it would, perhaps, have been well for his country if the Board of Admiralty had accepted his offer of service in 1762, as he was perfectly acquainted with the navigation of the part of the world to which he wished to go, being (he verily believed) from his education before he came into the profession, and his practice and experience afterwards, not only better qualified than most men in the service for that command, but the best pilot in those seas. At a time when party disputes divided the navy, and ran so high as greatly to injure the service, Captain Brodie kept his character not only free from imputation, but his conduct stood conspicuous for its bravery and its merit. A stronger proof of the truth of this assertion need not be given to the House than the following fact: It fell to the share of a most distinguished and respectable officer, now at the head of his profession, to sit upon a Court Martial then holden upon an officer of eminence, (and he believed he was the only member of that Court Martial now living) it fell however to the share of this respectable officer to examine. Captain Brodie, who then commanded the *Stafford*, was a witness; and he drew from him, though with great reluctance, an account of the proceedings and business of the day, on which the conduct of the officer upon his trial had taken place; when, after hearing Captain Brodie out, the respectable commander in question burst forth into an exclamation of applause, declaring, that the oldest officers in the service might be glad to give up the glory of all the actions of their lives, to have acted as Captain Brodie had done that day. Sir John Jarvis, upon this fact, grounded an appeal to the generosity and justice of the House, asking whether they could refuse to procure for a gallant and meritorious officer that rank and

and those professional honours to which he was justly entitled; for an officer also worn down with age, and smarting still with wounds received in the service of his country, and who had just faculties enow left to feel the injustice done him, and who, unless that injustice was remedied, could not lay his head in the grave in peace.

Captain
Macbride.

Captain *Macbride* stated from the navy accounts placed on the table of the House, that there were officers of not so long standing, and men who had by no means signalized themselves like Captain Brodie, who had pensions, and had nevertheless not been deprived of their rank, but regularly promoted. Captain Macbride went into argument to prove that the Admiralty Board was conducted in a manner which tended to discourage merit, and, if not altered materially, to entail ruin on the service. He spoke of Captain Brodie as an officer of uncommon merit, and gave his testimony to all which had been said in his favour, declaring that it was but mere justice that he should be restored to his rank.

Mr. Hop-
kins.

Mr. *Hopkins* said, that he had not a word to offer against the merits of Captain Brodie; yet he could not but observe, that it was a little extraordinary that the year 1787 should be the year of their first hearing complaint of an injustice stated to have been done to Captain Brodie nine years ago.

Mr. Drake.

Mr. *Drake* remarked, that from every thing which he had heard, the worthy officer had so much merit, that he heartily hoped the House would do him justice and vote for the address, as he had not a doubt but the breast of their Sovereign would beat in unison with the sentiments of his faithful Commons.

Mr. Chan-
cellor Pitt.

Mr. Chancellor *Pitt* declared, that, on so extraordinary a question as the present, he could not but feel some degree of uneasiness in delivering his sentiments, particularly as in so doing he should be under a necessity of endeavouring to counteract those impressions which he was persuaded every gentleman felt, but to which, although in themselves highly laudable, it would prove extremely improper on the present occasion to give way. He was convinced that many gentlemen had supported the motion, not only from motives of humanity to Captain Brodie, but also from a most zealous attention to the good of the service; but he apprehended (as was too often the case) that, although with the best intentions possible, yet they might do an essential injury to the interest they wished to support by the very means which they adopted for that purpose. He was persuaded that the honourable gentleman (Sir John Jarvis) who spoke so warmly in favour of the claim of Captain Brodie, and who was himself one of the greatest ornaments and examples to the service, could have nothing in view which appeared to him re-
pugnant

pugnant to its welfare. But he was also convinced, that when that honourable gentleman and others came to consider the question in its true light, as an actual invasion of the Royal prerogative, and an assumption by Parliament of the superintendence of naval promotions, they would abate much of that eagerness which they shewed in their support of it. Not merely improper, but seriously alarming, indeed, must prove the interference of the House, with the sanctions of the executive government, which the present motion had a palpable and manifest tendency to introduce. If the interference of Parliament on such occasions were in general a thing to be avoided, it was on the present occasion more particularly necessary not to suffer its admission. From the arguments used in support of the motion, and from the words of the motion itself, it was perfectly clear what was intended and wished for by the friends of Captain Brodie. They disclaimed all idea of a pecuniary compensation, but still demanded a reparation of the injury sustained by him in being prevented from attaining the rank of Admiral, to which from his standing in the service, if nothing else had been to be considered, he would have been so fully entitled. • How then could any such reparation be made, a pecuniary one being disclaimed, except by a promotion to the very same rank that he complained of his being deprived of, the rank of Vice-Admiral. What then was this but an express interference with the executive government? and that in one of its most sacred branches—the appointment of the military officers, by recommending a particular officer to a specific rank, and even pointing out that rank with peculiar nicety, by describing it as next to Sir Edward Hughes. But it was not only as an interference with the general exercise of that part of the King's prerogative, that the motion was objectionable, but because it went a still greater length, and prescribed to the Crown to create a deviation from a positive rule established by His Majesty in pursuance of the advice of his Ministers of that department, the Board of Admiralty, "That no officer who had not served in the war preceding any naval promotion should be included in that promotion." Did those honourable gentlemen who supported the motion mean to contend that this rule was impolitic and likely to injure the service? If so, then let them argue it upon that ground; and if they could establish the opinion, let the rule be annulled.—But while the rule continues to exist, and while its propriety remained unimpeached, why address the Crown for a partial violation of it? When a rule was once established, he should always approve of that House vigilantly guarding it, and interposing to prevent the executive power from deviating from it. But, for Parliament to ad-

dress the King to dispense with a fixed rule in a particular instance; and where the result of its so dispensing was to be an appointment to a specific rank in the navy—there were so many and such insurmountable objections to the motion, that he could not avoid giving it his most direct and hearty negative. The Chancellor of the Exchequer now went into the circumstances of Captain Brodie's case, and observed, that although he gave implicit faith to the statement made by the gentlemen who spoke in favour of the motion, yet still as far as it was supported by records, it only went to prove that Captain Brodie had applied for the first time in writing to the Lords of the Admiralty for a command on the breaking out of the Spanish war, though we had been for several years at war with France, and, notwithstanding, that he was very willing to believe, that he might in fact have made many personal applications previous to that period, yet, from the very words of his own letter, a contrary inference would very naturally follow. For in it, he said, "that he thus takes the earliest opportunity of offering his services." If any injury had been really suffered by Captain Brodie, the time to have sought a remedy would have been that in which the injury was done—but instead of that he had acquiesced in it during the space of twenty-five years. It had been contended, by way of obviating this objection to the great length of time which had elapsed, that, although the foundation of the injury had been laid in the act, by which he was put upon the superannuated list, yet that the injury itself did not arise until the year 1778, at which time he would, but for his having been so superannuated, have been included in the promotion of Rear Admirals, which was sufficient at once to induce the House to reject any motion of such an extraordinary nature. But what in reality was the injury sustained by Captain Brodie? He had, at his own request, been put on the pension list, and the pension granted him had been as great as had ever been given to any Captain of the navy; so that in this instance no injustice had been done to his merits as an officer, which undoubtedly were great and exemplary. What were the reasons which had prevented the Board of Admiralty of that day from employing him, could not, at this distance of time, be now fully ascertained; nor did he know that it would be right in Parliament to demand any information upon that head. But he believed, that when it was remembered how active and zealous the Noble Lord (Lord Anson) who then presided at that Board) had always been in the discharge of his duty, how dear the service was to him, and how dear he was himself to the service, no person would suspect that any other motives, but those of a most honourable nature, could have

have operated with him in the part which he took respecting Captain Brodie. As to the present Board of Admiralty, they could have no personal interest whatsoever in the case of Captain Brodie; but they must certainly feel a strong interest in adhering strictly to a rule which it was thought necessary for the welfare and prosperity of the navy to establish. Nay, every man who approved of the system of our government, and of the separation between the legislative and executive functions, must feel warmly interested in perceiving that separation, and in preventing an union of both in that House, which he affirmed that the present motion had a manifest tendency to effect. As the government now stood, His Majesty's Ministers were responsible for the several appointments which they should advise; but if Parliament should take into its own hands the right of making appointments, then the responsibility of Ministers would be at an end, and while they would become deprived of the means of doing good, they would be furnished with an excuse for doing wrong. He confessed that he felt himself warm on the subject; but it was a warmth which, as far as it applied to Captain Brodie, became the warmth of regret at the necessity which he felt of rejecting a motion, to which, if he had nothing to consider but the services and merits of him whom it concerned, he should give his hearty assent; but he was warm in his opposition to a motion which tended to unhinge and disjoint the system of the constitution; for if a precedent of such a nature were once to be established, there was scarcely an officer who had met with any disappointment in the course of his promotion, who would not avail himself of the precedent, and think himself entitled in that case to apply to Parliament for relief. And there would never be wanting circumstances to attract the compassion of the House, though he confessed there would seldom be found facts so highly deserving of their attention as those which belonged to the case of Captain Brodie, were the case of a nature to which the House could with propriety give any attention. If it were to be argued, that the present motion was only for a general address to the Crown to reward great and eminent services, though, by the by, all the arguments in favour of the motion went to the necessity of particular, specific reward—he could not but think, in that point of view, the motion highly improper; for it had never been the practice of that House to carry up such an address to the Throne, except immediately at the time of the performance of those services, for which the reward was applied for. On the whole, though he most heartily sympathized with the feelings of Captain Brodie, and acknowledged his merits and services in an equal degree with his warmest sup-

porters, yet his duty, as a member of Parliament, could by no means suffer him on the present occasion to give way to either, and therefore he must vote against the motion.

Mr. Fox.

Mr. *Fox* remarked, that he should assent most implicitly to the observations of the right honourable gentleman, were it possible for the question to strike him in any similar point of view; but he could not avoid perceiving, that in order to make out his objection to the motion, he had been obliged rather to argue from what had fallen in the course of debate than from the motion itself. Mr. *Fox* said, that he agreed that the promotion of military men was vested solely and exclusively in the royal prerogative, and that the executive power ought not to be interfered with by that House, unless in cases where they had been guilty of abuse or neglect of duty. If therefore the present address had been an address (as the right honourable gentleman had stated it) for the purpose of desiring His Majesty to grant specific rank to Captain Brodie, he would have been the last man to have risen and supported it; but it was in fact no such thing; it was an address drawn generally, and praying His Majesty to bestow some mark of his royal favour upon Captain Brodie, leaving it to himself to determine its nature. He could have wished that the facts on which the claim of Captain Brodie rested, had been more formally before the House than they were; but the case stood upon the ground on which various other cases had stood, and upon which that House had thought themselves warranted to proceed: it rested upon the ground of notoriety. He instanced the case of General Monckton to prove, that although Captain Brodie's services were services many years since performed, the House had established a precedent of a similar nature. In the year 1773, General Monckton had been on the eve of being sent out to India as commander in chief of the forces there; but it was afterwards thought advisable to send out Sir John Clavering: in that case, in order to make General Monckton some amends for his disappointment, a motion was brought forwards in that House to address His Majesty, to pray him to grant some mark of his royal favour to General Monckton for his meritorious services. The services of General Monckton had undoubtedly been meritorious; but they had been services performed many years preceding the year 1773; what made the case stronger too was, the circumstance that General Monckton had not been disappointed of an opportunity of serving His Majesty, but of serving the East-India Company.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* answered, that he must still contend, if the address were to be carried, His Majesty could not by any possible means comply with the wishes of the House in
any

any other way than by appointing Captain Brodie to the specific rank of Vice-Admiral, next after Sir Edward Hughes, which was in effect, if not in terms, a direct and positive interference of that House in the rank and promotion of military officers.

Lord *Mulgrave* observed, that it would be a mockery upon Captain Brodie were that House to vote an address, not pointing to specific rank, and from the words of which His Majesty's Ministers could not collect the real sense of the House, when almost every gentleman who had spoken in support of the motion expressly declared, that the rank of a Vice-Admiral was the object of Captain Brodie, and that his not being promoted to the list of flag officers was the ground of his complaint and his application to that House. Dangerous indeed was the precedent which the House would establish, if they in so glaring a manner interfered with the executive government! it would materially affect the discipline and subordination of the service, and bring upon the House an endless repetition of applications of a nature in some sort similar with the present. Were the address to be carried, every officer in the service, who had not been promoted as rapidly as in his own opinion he deserved to be, would have nothing to do but to get a friend to rise in Parliament, and to move for an address to the Crown to grant him rank in his profession: this would not only take the House out of its line of duty, but would deprive the executive power of the exercise of that discretion which belonged to it, in making out such lists of promotions as to its wisdom seemed proper, and thus do away that responsibility which belonged to the different departments of Administration. Extensive indeed was the number of even able, experienced, and gallant officers, whom, for a variety of reasons, an Admiralty Board might deem fit to be captains of ships, but not qualified to be entrusted with the commands of fleets, or to be admirals, upon whose single judgment the fate of the nation might occasionally depend; and while that was the case, there were means (as the House well knew) of setting them aside. Lord *Mulgrave* spoke also of officers who, like Capt. Brodie, had been mutilated in the service, and upon being offered to be employed in certain climates or on certain services, had, like honest men, declared themselves incapable, and begged leave to decline continuing in it: to those men the country was indebted, as well as to Captain Brodie; and would that House set up so invidious a distinction as to select Captain Brodie, and advise His Majesty to act differently with respect to him, to what had been uniformly holden by government to the rest of a very large description of worthy officers?

Mr.

Mr. Pulteney.

Mr. *Pulteney* having premised, that it was argued on the one hand, that Captain Brodie was an officer of uncommon merit, and that he ought to have been promoted to the rank of a flag officer; and on the other, that a general rule had been laid down, and uniformly and invariably adhered to in the service, which had operated against Captain Brodie's promotion; added, that in such a case it would be worth while to inquire into the nature of the rule, and see whether it was warrantable for that House to interfere. The Board of Admiralty could not get over this order or rule, and therefore they certainly stood justified for not having promoted Captain Brodie: this being the case, the House might interfere in the manner proposed by the motion; for it was the proper function of that House to help the executive government, where its powers were either naturally deficient, or cramped and embarrassed by any general rule. There was no general rule without exception, and this appeared to him to be one exception; and after what the House had heard of Captain Brodie's meritorious services, without so much as the slightest insinuation of a reproach on his character, or on any part of his conduct, it surely was an exception upon which that House would not only be justified in acting, but would do wrong not to act.

Mr. Dundas

Mr. *Dundas* adverting to (what he called) the contrariety of arguments advanced by the supporters of the motion, observed that a right honourable gentleman (Mr. Fox) had said, that if he thought the address an address for specific rank, he would be the last man in the House to vote for it; and the honourable baronet who made the motion had laid great stress upon its not being a motion for emolument or reward, but a motion for the obtainment of that restoration to rank to which Captain Brodie, according to the honourable baronet's arguments, was intitled. The honourable gentleman also who spoke last contended, that the Admiralty Board could not promote Captain Brodie on account of the order which had been mentioned. This difference of opinion was a clear proof of the embarrassment in which the House would always find itself involved, whenever it departed from its peculiar province, and attempted to assume the exercise of the executive power. He urged, the extraordinary conduct of contending at that day for rewards for services performed at so remote a period as the commencement of the preceding thirty years.

Sir George Collier.

Sir *George Collier* instanced the case of Admiral Matthews, who had been put upon the superannuated list, and was afterwards made a flag officer: he also mentioned the case of the late Sir Thomas Pye, and reasoned upon it, to prove that Captain Brodie ought to be restored to his rank.

Mr.

Mr. *Pye* rose to state the particular fact with respect to his late relation (Sir Thomas Pye) and said, that it did not apply exactly as the honourable baronet had put it in argument.

Mr. *Dempster* argued in favour of Captain Brodie, and said, that the House need not be afraid of establishing a precedent which would produce future inconvenience, since he believed it almost impossible to instance so strong a claim as that of Captain Brodie. Mr. Den-
tler.

Mr. *Brett* remarked, that the order alluded to so frequently had not been correctly understood; he then explained the nature of it, to shew that it did not operate exactly as gentleman had conceived. Mr. Brett:

Commodore *Bowyer* having observed that he was not in the House when the debate commenced, added, that although he wished Captain Brodie as well as his own warm heart could desire, yet he must ever stand up a supporter of the Board of Admiralty, unless proof were given of its having abused its powers. Captain Bowyer stated instances which shewed the necessity of the Board of Admiralty possessing a discretionary power to distribute rank and promotion in the service: they might know an officer to be a skulker, or a man who having gotten the command of a ship, resigned it as soon as the ship was ordered to sea, then obtained the command of a second, and did the same; and repeated the same conduct again and again. In such cases surely it would be admitted, that the Board of Admiralty ought to have a discretionary power to enable them to set such officers aside. Various were the reasons, on the other hand, which might prevent an officer from being employed: he might have a quarrel with the first Lord of the Admiralty; he might have an election interest in a borough, and give it contrary to the wish of a minister; he might be of a party, and act against Government in the House of Commons. Comm.
Bowyer.

Mr. *Sheridan* remarked, that from the explanation which Mr. Brett had given of the order in question, it was plain that Government had the power to restore Captain Brodie to his rank, if they chose to exercise it. Would the right honourable gentleman, therefore, permit it to be understood, that Captain Brodie's case should be taken into consideration by Government? If he would, he should advise the honourable baronet either not to press his motion, or to alter it, so as to remove all possible objection. Mr. Sheri-
dan.

Mr. Chancellor Pitt did not choose to accede to the proposition.

Mr. *Dundas* contended, that the second paragraph of the address pointed immediately to specific rank, and to nothing Mr. Dun-
das.

else. He asked how that could be reconciled to the arguments of the right honourable gentleman over against him?

Sir Matthew White Ridley.

Sir *Matthew White Ridley* declared that he was so far from wishing to interfere with the executive Government, that with the leave of the House he would withdraw his motion, and make another in still more general terms. He accordingly moved,

“ That an humble address be presented to His Majesty; “ that His Majesty will be graciously pleased to take the “ meritorious services and sufferings of Captain David Brodie into his royal consideration; and that His Majesty “ will be pleased to confer some mark of His royal favour “ on the said Captain Brodie, as to His Majesty shall seem “ proper.”

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* still declared himself averse from the principle of the motion, let it assume any shape it might; because he considered it as a palpable interference of the House with the promotions of the navy, and that not even generally, but most expressly and specifically; he should therefore persist in his resolution of giving it his decided negative.

Sir Matthew White Ridley.

Sir *Matthew White Ridley* disclaimed any desire to be particular as to the manner in which Captain Brodie might be distinguished; he was willing to leave it entirely to the generosity of Ministers.

Lord Hood.

Lord *Hood* professed himself a firm friend to executive government, and declared that as often as an attempt should be made in that House to interfere with it in the essential of granting military or naval rank and promotion, he ever would stand up and resist it. He added, that Captain Brodie had been made a post captain, when he lost his arm, and had since received a pension. He expatiated on those facts as rewards for Captain Brodie's meritorious services, observed that his application for employ had been made in writing a few months only previous to the end of the war, though it was true that he stated that he had often offered his services in person.

Sir John Jarvis.

Sir *John Jarvis* remarked, that the worthy Admiral, he was sure, would not willingly misrepresent a fact; but he had been mistaken, when he considered Captain Brodie's having been made post, as a reward for all his meritorious services. Several of the most distinguished of the meritorious services of Captain Brodie had been performed after he was a post captain, and while he commanded the *Stafford*. He then took the *Conquestadore* off the Havannah, and behaved in so gallant a manner, that a most respectable officer, now at the head of his profession, had emphatically said, that the “ oldest officers in the service might be glad to give up the

“ the glory of all the actions of their lives, to have behaved
 “ as Captain Brodie had done for the single day,” the history
 of the proceedings on which Captain Brodie had stated in
 evidence before the court martial, where the respectable
 officer, above alluded to, sat as a member.

Lord Hood answered, that he did not mean to state, Lord Hood.
 that Captain Brodie's having been made a post captain was
 a reward for all his meritorious services, but merely to state
 the single fact, that he lost his arm in a sloop, and was a
 master and commander at the time, but was thereupon made
 post.

The question being called for, the House divided,

Ayes, 83.—Noes, 100.

The other order of the day being read,

The House resolved itself into a Committee of the whole
 House, to take into farther consideration so much of His
 Majesty's most gracious speech to both Houses of Parliament,
 upon the 23d day of January last, as relates to simplifying
 the public accounts in the various branches of the revenue.

The Speaker left the Chair, and Mr. Steele took his seat
 at the table.

Mr. Chancellor Pitt observed, that he should move the M. Chan-
 resolutions which referred to that part of the treaty, called cellor Pitt.
 the tariff, but that he took that opportunity to mention,
 that the resolutions respecting spirits, of his intention to
 move which on the morrow, he had given notice, would not
 be ready, for various reasons which had occurred, and there-
 fore he should defer moving them till the ensuing Monday,
 but that he should this day move some of the resolutions
 respecting other articles of excise.

The resolutions being gone through and agreed to, the
 chairman was directed to report progress, and ask leave to sit
 again.

Mr. Chancellor Pitt gave notice that it was his intention
 to move, on the next Monday, for a temporary reduction of
 the duties on Portugal wines to one third below those pro-
 posed to be laid on French wines, agreeably to the treaty, in
 order to give full time to terminate the negotiation now
 pending with Portugal.

The House adjourned.

Tuesday, 6th March.

Mr. Yorke having presented to the House (according to Mr. Yorke
 order) a bill for the more easy and speedy recovery of small
 debts within the town of Cambridge and the hundreds of
 Chesterton, Flendish, Staine, Northstow, South or Long-
 stow, Papworth, Wetherley, Armingford, Triplow, Whit-
 tlesford,

tlesford, Chilford, Staploe, Chevely, and Radfield, in the county of Cambridge; and the same having been received, and read the first time,

The Speaker then put the question, that the said bill be read a second time upon Thursday fortnight, the 22d day of this instant March.

Mr. Mortlock.

Mr. *Mortlock*, member for the city of Cambridge, opposed the second reading at so early a period. He thought that it would, for many reasons, be more eligible to defer the discussion of the bill, till after the quarter sessions in that city. He therefore moved that the second reading should be deferred until the 25th of April.

The hon. Mr. Yorke.

The honourable Mr. *Yorke*, member for the city, opposed the amendment, and contended that there was no reason to justify such a delay.

A division took place, in which the numbers were,

For the original motion, 16— For the amendment, 25— Majority for the delay, 9.

Mr. Burke.

Mr. *Burke*, on bringing up a petition from the operative weavers of Glasgow and its vicinity, observed, that its contents referred to a principle of policy which had been often agitated, but on which he would not now pretend to determine. It had, during a considerable length of time, been a question, whether in a manufacture like that to which the petitioners belonged, it would be more preferable to look to pre-eminence and perfection, by making the apprenticeship of unusual duration, and the attainment difficult, or by shortening the one, and facilitating the other, to give cheapness and extension to the manufacture. On this subject, however, as he did not wish at present to give an opinion, he would only move, that the petition should be received.

It was accordingly brought up, and ordered to lie on the table.

Mr. Dempster.

Mr. *Dempster* said, that on account of the thinness of the House, he should defer his motion for leave to bring in a bill to repeal certain parts of the acts of the 24th and 26th of His present Majesty, respecting the Judicature of India, until the ensuing Friday.

The other order of the day being read,

The House resolved itself into a Committee of the whole House, to take into farther consideration so much of His Majesty's most gracious speech to both Houses of Parliament, upon the 23d day of January last, as relates to simplifying the public accounts in the various branches of the revenue; and

Mr. *Steele* took his place at the table.

Mr.

Mr. Chancellor *Pitt* proposed some resolutions respecting the alteration of the duties on timber imported. The first was, for the purpose of raising the duty on battens nearer to that on deals, in proportion to their relative value. The second was, to raise also the duty on fir timber imported. There was on this subject, he observed, a difference of opinion, but which would be better discussed on a future opportunity. It respected the importation of staves from Hamburg, which interfered greatly with our imports from Canada. The merchants trading to the latter province, had accordingly solicited a bounty for the protection of their trade; yet some reasons, in his opinion, appeared against this measure, and he should rather prefer an additional duty on staves imported from other countries.

Mr. *Dempster* opposed this idea, on the ground that it would be extremely prejudicial to our West-India merchants, whose trade, oppressed as it was from other causes, it should rather be the inclination of that House to encourage.

Mr. Chancellor *Pitt* answered, that when the honourable gentleman considered the duration of the punchons sent to the West Indies, and the quantity of liquor which they contained, he would find that even if it should operate as a tax, its amount would be extremely trivial; and, at most, not a farthing per gallon on the liquor imported.

Mr. *S. Thornton* hoped, that when the bills were brought in, the right honourable gentleman would take care to make such a difference between the duties on deals and fir timber imported, as would leave a sufficient encouragement to the sawyers who were employed in cutting the latter.

The resolutions were then read and agreed to; after which the House adjourned.

Wednesday, 7th March,

Mr. *Burke* having begged leave to fix the attention of the House upon their present situation respecting the prosecution in which they were engaged, observed, that in consequence of the rules prescribed many years since by the Court of Directors, the servants of the Company were obliged to send home copies of all their various correspondence, as well with each other as with the natives on the business of the Company, in order not only that the Directors at home might be fully masters of all which passed in India, affecting their interests, but also that proofs of the conduct of their servants there might be lodged here at the India House, as a body of evidence to convict them of inconsistency, negligence, or disobedience, should their conduct be inconsistent, or negligent, or disobedient, as the case

might happen. This was undoubtedly a necessary and wise precaution, yet it was more or less useful as the rule was rigidly adhered to. In the case of Mr. Hastings, the most glaring instances of disobedience of this rule had occurred. Whenever the late Governor General thought proper, he mutilated, garbled, or suppressed his correspondence, and one of the great difficulties of carrying on the prosecution against that gentleman arose from this circumstance, a circumstance involving in itself a charge of very considerable weight and importance. Another difficulty originated from their ignorance what papers to call for. Mr. Burke instancing the late charge, said, that he had called for the Farruckabad papers, and he thought that all of them had been presented, but a very respectable member of that House (Major Scott) had afterwards called for others in another manner, and had by those means furnished the House with the Persian correspondence, which proved to be material. Mr. Burke observed, that the attorney of Mr. Hastings was the attorney of the East-India Company, in defence of whose rights, and for the punishment of whose servants that House was now carrying on a prosecution! He begged leave to point the manifest advantage which this circumstance gave Mr. Hastings over the House, for while they were groping in the dark, and guessing at what papers they ought to call for, Mr. Hastings's attorney, who had daily access to all the Company's papers, might lay his hand on any of them, and come to the bar of the House of Lords, and there produce some paper or other, to overturn the whole of the evidence which they had been able to come at, and assist Mr. Hastings to laugh at the prosecution. It appeared, that a correspondence was kept back which would shew the remonstrances of the Nabob of Oude against any of these measures alledged to be taken at his express suggestion; and what was more, there was also a suppression of the whole of the Persian correspondence, which, with respect to this point, was undoubtedly very material. As a proof of the very incorrect and suspicious manner in which these papers were disposed of, Mr. Burke instanced the circumstance of many of them being in the possession of the Chief Justice, Sir Elijah Impey, instead of Mr. Middleton, the resident, to whose department they most properly belonged. The House then would perceive the extreme inconvenience under which the gentlemen laboured who were engaged in the prosecution. They were obliged to grope their way and guess at these papers, which might prove elucidatory of the subject. Mr. Burke submitted these matters to the consideration of the House, and concluded with moving a string of motions for papers, which were granted.

Mr. Chancellor *Pitt* desired to suggest it to the honourable Baronet, who was to bring forward the charge on the subject of contracts, as it was a charge of a very extensive nature, to allow gentlemen a few days more to make themselves masters of it. He declared for one, that he had not had time to examine the subject fully.

Sir *James Erskine* readily consented, and the order for this day was discharged, and a new order made for this day se'nnight.

On the Chancellor of the Exchequer's moving that a bill be brought in pursuant to the resolutions relative to the French treaty and consolidated duties,

Sir *Grey Cooper* observed, that in the debate on the address to the Crown on the commercial treaty, he gave his opinion, which he was now more and more confirmed in, that the first, if not the sole object and purpose of that address, was to pledge and bind, by the force of the words in which it was expressed, that House, to the entire approbation of the whole treaty, and to attempt to prevent and preclude any farther discussion of the principle on which it was founded, or any ulterior question on the detail of the tariff, and the other articles, to which the King, by his prerogative alone, could not give validity and effect; but whatever attempts might be made to bend the forms of parliamentary proceedings, to serve the purposes of a favourite measure, or a particular occasion, or to surprise that House into an approbation of a sudden project, he was persuaded that no address, contrivance, or management, could prevail so far as to alter the settled rules and orders, which, by long and uniform practice of Parliament, was in such cases the law of the land, and which the House was, in its legislative capacity, bound to observe, and to adhere to in all its proceedings, and particularly in the passing of the bills. If this were so, whatever might be the view of those who proposed and supported the address, he contended, that it was still competent for every member, in every stage of the proceeding, before the bill for carrying the treaty into execution, should have passed the House, to state any doubts, or to offer any objections which he might continue to have to the whole or any part of the treaty, or which he might have discovered since the address was voted. But another impediment was about to be thrown in the way of the free discussion of this great and most important measure. The resolutions which were voted in the Committee of the whole House, appointed to consider of the treaty, had since been referred to the Committee for preparing the resolutions for the basis of the bill, for simplifying and consolidating the duties of customs and excise. He felt it impossible to avoid condemning the manœuvre

nœuvre of endeavouring to swallow up the few resolutions respecting the commercial treaty, in the multiplied consideration of 3700 resolutions, which would be produced by the plan for consolidating the customs. The former were as drops of water in the great ocean of the latter; and it might be said of them, in the language of the poet,

“ Apparent rari nantes in gurgite vasto.”

Notwithstanding that, the right honourable gentleman had given them a separate schedule, as a sort of plank to float upon. This separate schedule inclined him to hope that the tariff duties would have been brought before the House in a separate bill; but he was sorry to find, by the motion of the right honourable gentleman, that this was not his intention. It seemed to him, that the continuing to keep the resolutions for carrying the French treaty into execution, blended, incorporated, and confounded in the same bill, with the vast multitude which formed the consolidation bill, was an unfair and unparliamentary restraint on the freedom of voting. If it had not happened, by a singular and whimsical concurrence of circumstances, that in the same session, and almost at the same time, when this great innovation in the commerce of the kingdom was proposed to Parliament, the bill, which had been long in contemplation, had not been brought forward for simplifying the collection, and consolidating the duties of customs, and as a basis and ground work, for which it became necessary to reconsider, recast, and revote the whole mass of duties, and to ascertain what integral sum should be demanded hereafter on each specific article imported, exported, or carried coastwise, if it had not been for this fortuitous circumstance, there must necessarily have been a separate and distinct bill moved for rendering effectual the tariff of the French treaty, and whatever other articles wanted the aid of Parliament to give them energy and effect. Advantage had been taken of this event (and, as it appeared to him, an unfair and unparliamentary advantage) to keep the treaty as much as possible out of the sight and out of the mind of the House. The subject matter of opening a commercial intercourse with France on certain reciprocal stipulations, had no relation to, or connection with, the matter of the consolidating bill, except in one point, and in so far as it respected the settlement of the duties, which every article of commerce was to pay in future. That being done and adjusted, the subjects were perfectly different and unconnected; what had the policy or principle of a commercial treaty with France to do with a plan calculated for the ease of the merchants, in making their entries, and paying their duties? He was aware that it had been but

too

too much practised in that house, to put together, in the same bill, propositions and clauses which had no immediate relation to each other; he had always thought that bills, which were called hodge-podge bills, were contrary to the spirit of parliamentary order, and ought to be avoided as much as possible. But in those cases, the propositions taken separately were seldom liable to any objection in either House; yet, to do this in cases where it was known that one of the component parts of the bill would be opposed in the progress, and that many members in that House as well as the other, might wish to vote for the rejection of the French treaty, though not in any respect to oppose, much less to reject the consolidation bill; it was in effect to prevent, as well that House as the House of Lords, from exercising the privilege which they both had, as branches of the Legislature, to give their dissent to a proposition, of which they disapproved, which they could not freely do, if they must, by the same vote, reject a measure which they all considered to be of the highest public advantage. Under the circumstances of the case, both Houses of Parliament stood nearly in the same predicament. That House could not, it was admitted, alter or amend any part of the tariff, except for the purpose of rejecting the treaty, and therefore the restraint even in the case of that bill, which was certainly a money bill, was equal in both Houses, and all the objections to a task applied in a great degree to the present mode of proceeding. Upon this ground, he thought himself justified in moving an amendment to the right honourable gentleman's motion, by inserting after "a bill," the words "or bills."

Mr. *Rose* contended that it would be infinitely more convenient for the whole to go in one bill, than to divide the resolutions respecting the French treaty, and put them into distinct bills. Gentlemen would recollect, that as the laws now stood, the duties on the import of French goods, &c. were considerably higher than the duties on the import of the goods of other countries. Unless therefore the whole was put into one bill, there must necessarily be two new books of rates made out, and one printed to each bill, a circumstance which could not but be productive of the greatest inconvenience to the merchants, and to every person concerned in importation. On the other hand, the uniting the two subjects in one bill would not, as had been suggested, preclude the freedom of debate, since every man would have full liberty to object, even by taking the sense of the House, to any one resolution whatsoever.

Mr. *Hussey* observing that there should be two bills, added, Mr. *Hussey* that unless very solid grounds of inconvenience to the merchants

chants could be stated, he saw no reason why the bills should not be as distinct as the subjects were. The honourable gentleman had said, that if there were, then two books of rates must be printed, and one annexed to each bill. He saw no great force in that objection. If the mere expence of printing was thought an objection, it ought not, in his mind, to be of much weight in matters of such infinite importance as both of the subjects undoubtedly were. He had attended with the utmost care to all which had been said in both Houses, in order to collect the meaning of the whole of the treaty, which he considered as involving the dearest interests of the kingdom; her trade, her commerce, and her constitution! As to the idea of gentlemen having a right to object to any one resolution during the progress of the bill, and take the sense of the House upon it, it appeared to him to be next to an impossibility; for who could attend a bill comprehending 3700 resolutions through all its stages?

Mr. Sheridan.

Mr. *Sheridan* remarked, that there was no reason why there should not be two bills, but it was a mere pretence. The real cause of blending the two subjects was in order to preclude objections to the resolutions relative to the French treaty. With regard to the argument of difficulty and inconvenience, which would arise, if there were two bills, he denied that it had been made out. The only argument advanced had been, that, in such a case, there must be two different books of rates. What difficulty would that occasion? The book of rates was already made out, and consequently there would only be the trouble of making out a fresh copy.

Mr. Martin.

Mr. *Martin* observed that, having given his vote in favour of the treaty, he meant to support it, because he really believed it likely to be attended with beneficial consequences; but he thought there was so much weight in what had fallen from the honourable gentleman opposite to him, that unless some more substantial proof of the inconvenience which would arise from having two bills instead of one could be given, he must vote for the amendment.

The question was put, that the word bill stand part of the question, when the House divided, Ayes, 137; Noes, 64.

Mr. Fox.

Mr. *Fox* now rose, and said that he felt it highly requisite to solicit the indulgent attention of the House to some remarks which he must beg leave to make concerning a recent occurrence, in which, at least in his conception, were most essentially involved the established rights of Parliament, and the first interests of the nation. The matter to which he alluded was the address which that House had thought proper to vote on the commercial treaty. The time at which this address was moved and passed tended to subvert the forms of Par-

Parliament, and, in subverting the forms of Parliament, it tended to destroy the legislative authority, the spirit of the constitution, and, consequently, the dearest privileges of the nation. On the preservation of the forms of Parliament the security of the laws depended. No part of the constitution was more jealously or tenaciously preserved than the forms by which all laws were enacted. If the forms were dispensed with, the constitution of the Legislature must be annihilated; and he thought that the forms were destroyed, by the address being passed on a subject before that subject was determined. For this address, passing after certain resolutions had passed, previous to the bill being brought in, the House were precluded from exercising their right of decision on the subject; the words of the address containing not only an approbation, but a pledge, of using the earliest and every possible means of carrying the treaty into effect, he thought the intention was to preclude Parliament from the exercise of their opinions, with which they were invested by the constitution and their constituents. With respect to the system of this parliamentary form, as to its efficient political principle, he should observe, that the modes of passing bills, both in this and the other House, were certainly very deliberate. They might indeed, in the opinion of some gentlemen, be considered as tedious; but those gentlemen who entertained such sentiments proved themselves to be exceedingly rash and inexperienced. He did not mean to say what were the forms of the House; he had never studied them. He was therefore not so well acquainted with them as with the forms of the House of Commons. In the latter, the form of passing a bill of such importance as the present, there were several stages. It was first committed, which was the first stage; it was then reported, this was the second; the report was read a second time, which was the third; leave was then asked to bring in a bill to carry the resolutions into effect, which was the fourth; it was then brought in, which was the fifth; it was afterwards read a first, second, and third time, which made eight; and the passing made nine stages, in which a bill must pass before it left that House. The reason of these different stages was in order to give Parliament an opportunity of so many different times for considering its tendency, before they finally gave their concurrence to its passing. It might pass the Committee; report, first, second, and third reading, and yet be rejected, by Parliament discovering some improprieties which they had not before observed. This law was therefore exceedingly wise; for nothing required more deliberation than laws which should be enacted for the welfare, protection, and government of the people; and therefore it

became the constitutional guardians, the representatives, to be exceedingly cautious of any measure being adopted which might tend to preclude them from the free and unlimited exercise of their judgements, on every subject in which the interests of the country were essentially dependent. It was with this view that he meant to submit to them, before he sat down, his motion; for he was clearly of opinion, that the address which the House had lately voted to His Majesty was an infringement of the free, unbiassed, and unrestrained exercise of judgement. After the business had been only four or five days before Parliament, and in the second stage of the matter, the House had absolutely come to a vote which precluded them from giving any opinion in the subsequent stages through which the treaty was to pass; and thus, whatever their sentiments were, or might be, they could not prove availing. Having pledged themselves to His Majesty to take all early and possible means of carrying the said treaty into effect, they were reduced to two very unpleasant predicaments. The one was either to let the treaty pass, however repugnant its principles might appear to their sentiments, from being inimical to the interests of the country, or they must subject themselves to having given a faithless promise to Majesty. This was of all situations the most to be avoided. It was derogatory to that sacred faith which should be preserved, and that respect which they should entertain in all concerns of either addresses or promises to the Sovereign. As to the plea that no necessity existed for adhering to the forms of those many stages of parliamentary procedure in the present transaction, he could not see any principle in the commercial treaty which could authorise Parliament to let it pass with less inquiry and circumspection than even the most ordinary concerns. On the contrary, it was a subject, which, of all others, required the most mature and deliberate investigation. The commerce, navy, and constitution of the country, depended on its tendency. Besides, as it was a commercial question, so did it become such a subject that the Parliament had thought it expedient even to add two more stages to the investigation than what were adopted on ordinary concerns. The Committee and the Report were added by a resolution of Parliament in the year 1772. Thus, not only the invariable custom of ancient times evinced the necessity of giving every possible opportunity for the House to consider most maturely its tendency in its different stages of parliamentary progress; but even the opinion of modern times had been, that it was necessary to increase the stages of inquiry on a subject of such imminent importance. As to himself, he had been censured for recurring several times to one subject. But however, this was a species of censure

which

which he should treat with contempt. Had he mentioned or adverted to any matter twenty or thirty times, if he thought it necessary to repeat the same again, in its relation to any subject he had to consider, he should always take the liberty of using his own discretion. This was the case in the present instance. He had, during the progress of this business, frequently mentioned the treaty of Utrecht. He should now beg leave to mention that subject again, as it tended to illustrate what he had to propose to the House. Had Ministry voted an address to Her Majesty Queen Anne, and in it caused Parliament to pledge themselves to carry the said treaty into effect at the time of its parliamentary progress, as they had on the present occasion, the consequence must have been the commercial part of the treaty passing into a law; for it was only by not doing it that this evil had been avoided. During the first stages of that treaty's consideration in Parliament, there was no material opposition. On the contrary, it passed through the Committee; and the Report was passed likewise, with very considerable majorities. But, in the subsequent stages, information was then obtained, objections were made, and the majority of Parliament very wisely rejected it, as a measure that threatened the whole commercial and constitutional interest of the country with a total and immediate annihilation. Happy therefore it was, that the Ministry of that day did not bring a motion for an address to Majesty before Parliament, when the majorities of the House were so much in favour of the treaty. If they had, the address would certainly have passed, and the country would have been ruined. To this he attributed all the subsequent prosperity and glory we had acquired and enjoyed. Even that great Queen owed to the rejection of the commercial part of the treaty her highest honours, if not her regal dignities. This he adduced to prove the necessity of not precluding Parliament from exercising their judgements in the remaining progress of the treaty through the House. Mr. Fox now adverted to the manner in which the bill for carrying the treaty into effect had been connected as one with that for the consolidation of the customs. This, he observed, had likewise a great relation to the subject on which he had been troubling the House. By this vote of address, the Lords in the other House would not have an opportunity of exercising their judgements in the passing of the bill to which he alluded. Besides, as it was connected with the consolidation of the customs, they were even precluded, by this means, of exercising the only right they had—with respect to a money bill—of adopting or rejecting it. If they were disposed to reject the consolidation bill, they could not, as it was connected with a subject they

had pledged themselves to carry into effect. And if they were disposed to alter any parts of the commercial treaty, with regard to any matter in their power, they could not, as it formed part of a money bill; and thus was the exercise of their Lordships' rights fettered by the address, and by uniting these two subjects. This was equally an argument in favour of his own motion, and for that moved by the honourable Baronet, (Sir Grey Cooper) but which the House had thought proper to reject. He could not see the least difficulty in moving separately for the reduction of the duties, and destroying the prohibitions. They amounted to about fourteen; they therefore could not be a subject of such an implicated nature, as to render it unfit for investigation, from the perplexity and embarrassment which would attend it. This address would entirely prevent the House from adopting any system that might hereafter be settled with respect to Portugal, if such system departed or deviated from that established in this treaty with France. We had therefore not only deprived ourselves of the privilege of exercising our opinions and discretion, with regard to the treaty itself—but we had likewise deprived ourselves of exercising any opinion or decision on pending treaties with foreign powers, if they did not happen perfectly to coincide with this negotiated with France. Mr. Fox now made some observations on the manner in which the Court of France had depended on the ratification of this treaty. They had stated in the convention—as soon as it had received the sanction of the law. But to receive this sanction of the law, it must be submitted to all those forms and investigations which constituted our laws. And as the address prevented this possibility, the treaty could not be said to have the sanction of the law. How then could the French Court expect it to be ratified? He consequently thought that the address had absolutely destroyed the legal possibility of the treaty being so carried into effect as to admit of a ratification. To have the sanction of our laws, as he before observed, it was necessary that it should pass every form of Parliament. But if that House were precluded from giving their opinions, whatever forms or stages it might pass through, they could be of no effect with regard to legal efficiency. In this point of view, he thought the address absolutely destructive of the intention for which it was professedly brought; for that of carrying the subject into as immediate effect as possible. For nothing could possibly have the efficiency of law that was not properly submitted to those forms which the constitution prescribes for the making such laws.

Mr. Fox, next adverted to the nature of addressing His Majesty. There were two modes in which addresses were
 necessary

necessary and serviceable. These were with regard to negotiation and the prosecution of war. In both these instances, addresses strengthened the effort of Government. But then, they contained no particular pledges. They contained, in general terms, an offer of their lives and properties in support of the measures then prosecuting. But how did such addresses differ from the present? Instead of containing a general disposition or approbation of a treaty being formed with France, it contained a specific assurance that the particulars of the treaty should be carried into effect. What was this but interfering in the most unconstitutional manner with the rights of the Legislature? What had the House done in agreeing to such an address? They had even given a sacred promise to Majesty which it was not in their power to give. No opinion, at least no assurance could be given, that any subject should be carried into effect while it was depending in Parliament. For there was no stage of any bill passing through that House, in which Parliament could assure any one it should pass, until the last stage. Then a decided assurance might be given, and not before.

Thus (as he before stated) had Parliament, by this address, given His Majesty an assurance, which they could not give, consistently with the principles of law, legislation, and the constitution. They were likewise so stated, that all future proceedings in this business would be nugatory. They had dispensed with their own privileges; and however inimical they might find, on more mature consideration, and more complete information than they had before been able to obtain, the tendency of it to injure the prosperity of the commerce, the existence of the navigation, and the preservation of the constitution—yet they must carry the treaty into effect. They had pledged themselves to their Sovereign—and if they did not mean at first to have couched a faithless promise under a solemn assurance to His Majesty, they could not recede from their vote. This was the predicament to which they were reduced by this premature proceeding. And in what manner to rescue themselves from either of these alternatives he knew not, except by a solemn protest on adopting the motion he had to offer to their consideration. It was true, that by a protest, they did not mean to bind themselves from the power of exercising their judgements and their decisions on the remaining stages of the business, and therefore, he thought Parliament might reinstate itself to the free exercise of its privileges. As to the motion which he had to make, whatever might be its fate, whether rejected or received, it would have this effect—it would shew to the country, that they did not all consider themselves pledged to consent to the treaty, without having those constitutional opportunities

portunities which were their right of dissenting from or approving of the measure, as they might think most proper, during every stage of parliamentary discussion to which it should be submitted. If it were adopted, then Parliament would have an opportunity of availing themselves of all the information they could obtain, and such an important subject required, before they gave it their final consent. But should it be rejected, the good purpose would be obtained. Mr. Fox, now urged the necessity of adopting the motion. It was only by it that Parliament could reserve to themselves the right of determining on this treaty agreeable to its real merits. He now moved, that it is necessary to declare, that no address from this House to the Throne can, in any degree, bind or pledge this House, in its legislative capacity, or bar the subjects' right of petitioning this House, upon any bill depending in Parliament, although such bill be founded upon, and conformable to such an address, previously agreed to by the House.

Mr. Chan-
cellor Pitt.

Mr. Chancellor *Pitt* said, that he had waited with anxiety for the arrival of the day on which the right honourable gentleman would make his promised motion, having no small curiosity to learn by what sort of arguments the right honourable gentleman would support it. He had listened with the utmost attention, and would venture to declare that there had not been the smallest occasion for the wonderful display of the eloquence and abilities of the right honourable gentleman to prove one part of his argument, and that even the eloquence of an angel could not have successfully maintained the other. The right honourable gentleman had exerted all his talents to labour two separate points. One a mere child would have been able to argue, because it was on the face of it a self-evident truism, and what no person either had, or would deny: It was that the House could not so far commit itself as to deprive itself of the free exercise of its deliberative powers, to incapacitate the Speaker from putting a question on a bill, yet to be brought in, on any one stage of it, or impede and embarrass the full and free discussion of the principle of the bill, or prevent, if necessary, its final rejection. The other point was impracticable, even by his eloquence, because no mortal eloquence could attain it. It was to persuade the House that by their late address to His Majesty, it had itself resigned its rights, that it had itself surrendered its functions, that it had itself abandoned its deliberative powers, and given up all claim to the free exercise of them, and that, in fine, it had itself violated the constitution! On the first of these points he would not take up the time of the House in making any observations. He allowed it to the right honourable gentleman in its fullest extent, and let him see what deduc-

deductions he could make from it. To the second, he must observe, that he did not for one, conceive himself committed by the address, nor did (he was satisfied) those gentlemen who gave Government the honour of their support, feel themselves so far pledged, but that if the general opinion were totally adverse to the treaty, if any new information arose or any new argument of weight on the old information, they might alter their decision—all the address went to say was, that the House had taken the treaty into their most serious consideration, and that so far they approved of it—not however, by any means surrendering or foregoing their right of future discussion, or even rejection on the first reading, on the second reading, on the commitment, on the reporting or engrossing, on the third reading, or finally, on the question, “that this bill do pass;” and in this construction of the address he felt himself supported by a large and respectable majority of the House. The right honourable gentleman had argued, that in addition to the ordinary forms of a bill, every act relative to matters of commerce, must go through a Committee of the whole House, and be reported from that Committee. He had asserted that the bill was already pledged for, and the House committed in, the first, second, or third stage—As to the Committee of the House, he had already stated his sentiments; and as to the number of stages, so wisely provided by our ancestors, the House would observe, so far from retrenching, he had, in fact, added two new and additional stages; and these were the address and the report of that address; so that, instead of weakening the constitutional right of that House to full, frequent, and deliberative discussion, he had, in fact, to the utmost of his power, strengthened and maintained it. These were the two great points that comprehended the whole of the right honourable gentleman’s speech, as far as it immediately related to the question before them; and he owned that he should be tempted to stop there, were it not that the right honourable gentleman had touched upon some other matters, upon which he would detain the House but a very few moments with a word or two, by way of observation. The right honourable gentleman had, by a strange fatality, a fatality which, could he suppose him capable of such weakness, he would almost call a superstition, referred constantly to the treaty of Utrecht, and seemed to imagine that as that treaty was, like the present, at first received favourably in the House, so might the present, in the end like that treaty, be demolished. He would just beg leave to state the history of that treaty. It was not announced to that House, or to the nation, until the 9th of May 1713—on the 14th, the first reading of the bill, it was carried through the House by a large majority; but, the outcry of the nation becoming

becoming more and more strong against it, on the 19th of June following it was finally lost on the report. Did the conduct of the present Ministers bear any analogy to this?—In October last, the commercial treaty with France was before the Public; from that time to this it had been before the Public, open and liable to discussion and objection. The ingenuity of the right honourable gentleman, and the industry of the respectable gentlemen who surrounded him, had been exerted to prejudice the minds of the people, and conjure up objections against the treaty in vain. No objections had appeared during the course of five months—it was now March—did that look like a dread in Ministers that the treaty would not bear inspection, or, did it resemble a wish to take the House by surprise, and draw it into a premature pledge to the future bill, before they had time to examine its contents? The right honourable gentleman had said, that the House, by pledging itself to the address, had pledged itself to pass certain future specific bills; and that His Majesty, in his answer, would probably express his approbation of their intention, and that such a circumstance would be a direct infringement of the principles of our constitution, in that the executive power thus interfered, and took cognizance of, and influenced the discussion of the House—to that assertion he must give an absolute denial. What did the address say? It told His Majesty, that the House had received the treaty, which he had ordered to be laid before them; that they had examined, and, as far as they at present could judge, approved it, and were disposed to carry it into effect by certain laws. His Majesty might, in his answer, say he was glad to find they approved it: What did that tell the House? It conveyed His Majesty's approbation of—what? The very treaty which he had made himself, and recommended to their notice in his speech from the Throne at the beginning of the session. The right honourable gentleman might as well assert His Majesty's speech on opening the session to be a violation of the spirit of the constitution as much as the answer to the address; for one was as much a mode of influencing the proceedings of the House and controlling the freedom of debate as the other. The right honourable gentleman had, with as much warmth as if it were introductory of an impeachment, challenged any man to produce an instance of such an interposition of the Crown. What would the right honourable gentleman say, if instances were produced, and that too in an æra which even he would admit to be the best of all possible times, as these were, in his opinion, the worst? Every man formed his own judgement as to which were the best and which the worst of times; and the expression of the worst of times might to him appear rather too severe, were it not that the words admitted of some latitude

latitude of interpretation; and it was to be remembered, that the worst of times in the right honourable gentleman's interpretation meant those times in which he was under the mortifying necessity of dividing with a minority. The precedents he meant to allude to, however, were in the best of times; upon recollection, he ought to beg pardon—not the best of all possible times, but the best except one of all possible times;—at the period when the right honourable gentleman was Secretary of State for the first time, before he had extended his base and formed those connections which introduced the second auspicious æra. It appeared on the Journals of the House, that, in the year 1782, in consequence of a message from His Majesty by Mr. Secretary Fox, the House passed two resolutions, and addressed the King relative to the jealousy that subsisted between this and the sister kingdom, which resolutions and address contained a promise of the repeal of the 6th of George the first; and on those resolutions, and that address, and antecedent to the repeal of the positive statute, there had been a minister found hardy enough not only to advise His Majesty to testify his approbation of the intention of the House, signified in the said resolutions, but which were not communicated to the Throne, but absolutely, officially to communicate such intention through the channel of the Lord Lieutenant to the Parliament of Ireland, which in their address in return, as appeared on their Journals, recognized and admitted such a declaration. Here was a clear, direct and manifest interposition of the Crown, testifying under the auspices and by the advice of the right honourable gentleman to another legislature, the intention of the legislature of this country; and this at a time when they had not testified it themselves. After this, what became of the apprehension of the right honourable gentleman for the constitution of the country, and the privileges of this House? Upon the whole, what did the arguments go to prove? The right honourable gentleman had told the individual members of the House, that it was committed and concluded by their address, and therefore, he moved a resolution, stating, that the House collectively was not committed and concluded; but as a great and a very respectable majority, among which, he (Mr. Pitt) had the honour to be one, did not feel themselves tied down in the manner described by the honourable gentleman, and therefore could not admit the necessity of the motion; he would move, in order to negative the whole, to prefix the following words by way of amendment, viz. “That it is now necessary to declare, &c.

Mr. *Bastard* observed that the resolutions of 1782 were merely resolutions of their own, uncommunicated by them to the Sovereign, and liable to be rescinded by subsequent re-

solutions, and that the precedents from the journals of the Irish Parliament could not be considered as precedents for the guide and direction of that House. He stated several arguments in support of the propriety of his opinion, and declared that he had voted for the commercial treaty, but as soon as he had heard the address moved, he considered it as pledging the House most unconstitutionally, and he voted against it.

Mr. Fox.

Mr. Fox said, that he thanked the right honourable gentleman for having put him in mind of the Irish propositions, which he had accidentally passed over before. The address, in that case, he contended was in no sort similar to the address lately voted. In the case of the Irish propositions, the Parliament of England and Ireland were in the situation of negociators, and the Crown was a sort of mediator between both. He hoped not to be deemed pedantic, when he used diplomatic allusions, but as they would best express his meaning, he would for once adopt them. He conceived the original Irish propositions to be a project for a treaty on the part of Ireland, and those resolutions sent over by the Parliament of Great Britain might be deemed a counter-project for a treaty, the Crown being the medium of communication. The address therefore, had necessarily, in that case, been extremely different from the late address. Indeed so different as not to be in any sort capable of being drawn into comparison with it. That address could go to nothing, since the British Parliament could not stir a step farther till they heard more from Ireland. Having explained the irrelevancy of the case of the address to the Crown upon the Irish propositions, Mr. Fox said, that he would hasten on to the other Irish precedent, that of 1782, relative to the repeal of the sixth of George the First; and here he could not help remarking, that, for the sake of enjoying the triumph of some pleasantry at his expence, which, no doubt, the right honourable gentleman thought too good to lose an opportunity of exhibiting, the right honourable gentleman had fixed an expression upon him which he had not used, by saying, that these were the worst of times. But, the right honourable gentleman by such means was enabled to pursue his play upon words, and to talk of precedents in the best of times, and the next best of times but one; an expression he had likewise never used. [The Chancellor of the Exchequer said across the table, that was my mistake, and I stated it to be so.] Mr. Fox said, Oh, then, the right honourable gentleman made a mistake on purpose to fix another pleasantry upon me. It matters not, let us proceed to the precedent. The resolutions of 1782 were never carried by an address to the Crown, but were merely resolutions of their own, which made a very essential difference in the nature of the two cases. Indeed, to
give

give the case of 1782 the smallest appearance of being a case in point, the right honourable gentleman had found it necessary to abandon the Journals of the English House of Commons, and have recourse to the Journals of the Irish House of Commons. Here he begged leave to object to that mode of obtaining precedents of what was to pass or had passed in the House, and he did so rather for the sake of the Chair, because the Speaker had enough on his shoulders already, without being obliged to load himself with all the precedents that the Journals of the Irish House of Commons would furnish. But, to return to the point, the right honourable gentleman had dwelt a good deal on the irregularity of a noble Duke (of Portland's) mode of treating for a new constitution, and contended that what might be highly unwarrantable and unjustifiable in a minister under other circumstances, and when the constitution of Ireland was settled, was of a different complexion as matters then stood. The right honourable gentleman had pointed this part of his argument personally at him, forgetting in the first place that he had not, at any time, been very much in the habit of finding fault with that Administration, and that a noble Marquis (for whom the right honourable gentleman used to profess strong sentiments of respect and regard, however altered those sentiments might now be,) had an equal share in the measure with himself. He had no objection, however, to take the whole of the responsibility upon himself, and if the whole transaction had been to do over again, and he were asked if he would act the same part and instruct the Lord Lieutenant in the same manner, he would answer, he certainly would, under the same circumstances; for, he considered Ireland as then making out her declaration of rights, which was to form the basis of the new constitution she was treating for. He instanced as a parallel case, the conduct of the convention of Parliament, while they were holding out their declaration of right as the terms of their treaty with the future Sovereigns, William and Mary.

Mr. Chancellor *Pitt* declared, that he was glad to hear that the right honourable gentleman was, at last, willing to state the Irish propositions, and the British resolutions upon them, as a project for a treaty and a counter project: with that description of the business he was perfectly contented, and hoped the right honourable gentleman would remember, that he was himself the author of that character of the business. He insisted upon it, that the case of 1782 was in point, and declared that the right honourable gentleman had been so far from defending his own argument, that he had even been glad to defend a noble Marquis whom, on most occasions, he had been eager to abuse and to attack, rather than stick to his own defence. With regard to that

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noble Marquis he declared he should ever be proud to say, that in many parts of his conduct he thought no character more entitled to his respect and his esteem; and that in one great and signal instance he was entitled to the thanks of the House of Commons and the gratitude of his country; after this tribute of praise to Lord Lansdowne, Mr. Pitt entered into an animadversion of the precedent of 1782, declaring his opinion of it to be, that it was extremely irregular at the least, and a more violent deviation from the forms of Parliament than the address lately voted, which was supported by precedent, which did not pledge the House in any the smallest degree, but, on the contrary, did no more than assure His Majesty, how far they had proceeded in compliance with his royal recommendation from the throne: he stated the history of the precedent of 1782, and denied that the parallel between the conduct of the Convention Parliament and the conduct of the Parliament of Ireland were similar or analogous, observing, that Ireland had, in 1782, a complete legislature of King, Lords, and Commons, and might just as well have done by bill, regularly and formally, what it did by resolution and address. He must remind the right honourable gentleman, that at that time he and the noble Marquis had, as it were, run a race with each other, who should be the first to get the resolutions passed in both Houses, and communicate them to the Parliament of Ireland.

Mr. Sheridan.

Mr. *Sheridan* begged leave to call up to the recollection of the right honourable gentleman (the Chancellor of the Exchequer) that he had on a former occasion charged him (Mr. Pitt) with having not only brought in a bill differing in the vital part of the system, in the permanency of it, from the resolutions grounded on the Irish propositions, but had asserted, that the Secretary in Ireland had also brought in a bill there, differing as much from the English bill; and that the Chancellor of the Exchequer of Ireland had laid great stress in his argument on the circumstance that the Irish Bill did so essentially differ from the bill sent over from England. The right honourable gentleman had formerly said, he no longer should consider himself as useful to his country, if he could not carry the measure respecting Ireland through. Mr. *Sheridan* ridiculed some words which, he declared, he had taken down, as the reason assigned by the right honourable gentleman in justification of the address, viz. that such a visionary and abominable style of argument had been taken by opposition against the commercial treaty, that it became necessary, as soon as possible, to carry the resolutions up to the Throne with an address, in order to convince the People that Parliament was not swayed

swayed by such sort of argument. The considerable majority the treaty had been carried by, might (Mr. Sheridan said) sufficiently have operated to shew, that however forcible the arguments of his right honourable friend had intrinsically been, they had not been allowed to have much weight within those walls: since however so new a reason to justify an address had been stated, he would advise the right honourable gentleman, another time, not to rest the justification of his address upon a casual intimation in the course of his speech, but to confess the fact, and to declare it in express words in the preamble of the address itself. He should not therefore wonder to see very shortly an address beginning thus; "Whereas the right honourable Charles James Fox has used certain abominable arguments of a nature tending to convince the Public of the fallacy of the measures now pursuing," &c. &c. &c. Mr. Sheridan now begged leave to notice what the right honourable gentleman had said of minorities, and declared that the right honourable gentleman had been in the only situation in a minority, that could make a man's voting in a minority contemptible, viz. the holding his office as Chancellor of the Exchequer, and nevertheless voting in a minority: such a situation was not only contemptible, but unconstitutional; besides it proved that, great even as his respect for majorities, and ardent as his love of them was, his love of office was greater, since the fact established, beyond all possibility of contradiction, that possession of office was his first of all objects. Mr. Sheridan at length returned to the immediate question, which he particularly pressed upon the House, instancing the general mode of proceeding all through the business, and in particular the blending the two subjects, the resolutions respecting the French treaty and the resolutions relative to the consolidation of duties, in one bill, as unanswerable proofs that it was right to come to some general resolution in order to guard the constitution against dangerous and (as his right honourable friend had asserted) unnecessary innovation; for the address could not forward the carrying the treaty into effect a single day, because it could neither open our ports to French ships, lower the duties, or in any degree whatsoever smooth the way to the opening of a commercial intercourse: such a resolution could not, in the first instance, be denied to be true, and if that were universally admitted, could any one time be assigned as a more fit moment for putting it upon their Journals, than that moment immediately after their having voted an unconstitutional address to the Crown, and after the contradictory conduct of the right honourable gentleman, who had, in the early progress of the business, argued as if it

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were right to pledge the House, and had asked what reason could be assigned, why it should not be pledged after having so far considered the resolutions, and approved of them? But finding that such doctrines shackled his favourite majority, and that it was likely to diminish, he had in a late debate changed his note, and at an advanced time of the night, in a most equivocal speech, argued that the address only pledged those who were prepared to be pledged, but that it did not pledge gentlemen who did not choose to admit they were pledged. This sort of double-edged speech ought to be fixed to some certain standard, and the resolution that his right honourable friend had moved, Mr. Sheridan said, would have that effect.

Attorney
General.

Mr. *Attorney General* declared, that he meant not to go into the wide field of argument that had been taken on topics wholly foreign to the subject under consideration. With regard to the noble Marquis of Lansdowne, whose name had been bandied about in so extraordinary a manner, he was sure his right honourable friend near him would have entered into a defence of that noble Marquis, could he have done it with common decency.—[A loud roar of laughter from all sides of the House.]—Mr. Attorney said, he was happy to have afforded the House so much entertainment; but he would explain what he meant. If any part of that noble Marquis's public conduct had been called in question, he was persuaded his right honourable friend would have stood up and done the noble Marquis justice; but when such groundless insinuations, such distant hints, to his prejudice, such attempts, as it were to whisper away the noble Marquis's character, were made, no man would think it became him to rise, and by entering into a serious defence, in effect countenance what ought only to be treated with contempt: for his own part, he felt very great respect for the noble Marquis; he had been exceedingly obliged by him when he had done him the honour to call him, in an humble station indeed, into that Administration of which the noble Marquis was at the head; and as the noble Marquis had done his country the most signal service that any one minister had of late years conferred upon it, whenever that part of the noble Marquis's conduct was called in question, he would think it his duty to rise and do him all the justice which he desired. Having said this, Mr. Attorney replied to some parts of Mr. Sheridan's argument, as far as regarded the address, contending that the honourable gentleman had not made out that the address did pledge the House, and had asked, when would be the fit time for voting the present resolutions, if that were not the fit moment? he would tell the honourable gentleman when would be

be the fit moment. The fit moment would be, when Ministers should, hereafter, use the address as an argument to induce gentlemen to vote without deliberation, and pretend that it pledged them to vote for the bill or bills without debate or discussion of any kind—that was the only moment when the resolutions would be justifiable, because the words of the amendment would in that case be made out, and it would then be necessary: there was indeed one other time when it would also be fit to vote such resolution, and that was, when any attempt should be made in another place to use the address unconstitutionally, and there to cite it, as pledging future votes and precluding deliberation and debate.

Mr. *Bearcroft* having premised, that the debate had, on Mr. Bearcroft. both sides of the House, been confined chiefly to attacks on each other, rather than to the question itself, declared that it was, in his opinion, equally unparliamentary and disrespectful to a noble Marquis to introduce his name in such a manner, and for such a purpose; he said this the rather, as he perceived, however much disposed different sides of the House were to disagree in respect to the question, they seemed all to agree in joining to attack the noble Marquis in his absence, which, he must observe, was a little cowardly. He declared, that he had no sort of connection with the noble Marquis in question; he spoke as his feelings and a sense of fairness prompted. With regard to the motion, he had not heard any argument that appeared, in his judgment, to be decisive in its favour. A great deal had been said about pledging; he had hoped to have heard the word pledging defined and explained. If the House would give him leave, he would endeavour to define it. He took pledging to mean the binding down a person to the performance of some specific act. Did the address pledge the House in any such manner? He conceived, that it did not, nor any thing like it. His Majesty, in his speech from the throne, had signified to the House that he had concluded a commercial treaty with France, and His Majesty stated the reasons which had governed his conduct in that particular, and recommended it to the House to take the proper steps for carrying the treaty into effect. That House, in consequence of this recommendation, and on principles of respect and duty to the Crown, had taken it into their serious consideration. They had discussed the principle of the treaty, examined every article of it, and deliberately debated the whole for six days together, and having come to certain resolutions confirming, in the name of the House, the various articles of the tariff, they had voted an address, thanking His Majesty for having made the treaty, declaring that they coin-

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cided in sentiment respecting its probable advantages, and avowing their resolution to take the proper steps for carrying the treaty into effect. This appeared to him to be the natural and proper proceeding of the House in that stage of the business, and by no means liable, in fair construction, to be considered as amounting to a pledge upon the House, depriving it of its deliberative powers, or binding it down to any vote whatever in any subsequent stage of the business. The treaty was founded on amity and reciprocal advantage; it would, in all probability, have the effect of securing peace for centuries to come. Upon that consideration alone, were there no other, he would have supported it, and voted for the address.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* begged leave to rectify a mistake which his learned friend had fallen into, and this was the mentioning that the noble Marquis who had been so much alluded to, had been attacked on all sides of the House. He begged leave to assure the honourable and learned gentleman, that he had not said one word which could be construed into a disrespect of the noble Marquis; on the contrary, he had expressly said, that the noble Marquis was intitled to the thanks and gratitude of his country, for one act of his, in the most eminent degree. He meant for having had the boldness, amidst all the difficulties of our situation, to make the peace; an event, which he should ever be proud to contend, deserved the warmest commendation and the highest praise. With regard to what he had farther said of the noble Marquis, in reply to the right honourable gentleman opposite to him, he had merely followed that right honourable gentleman's argument, and observed, that so unwilling or unable did he appear to defend himself or support his motion, that he had studiously avoided attempting either, and had rather laboured to defend the noble Lord, whose character and conduct he had on so many occasions shewn himself eager to attack.

Sir Wm. Molefworth.

Sir *William Molefworth* said, that he recollected an instance in which that House had been told, that they were pledged to a future measure by having consented to a past transaction; and it had been strenuously argued as a reason for them to vote, whether their judgement warranted it or not. He alluded to the ordnance estimates, out of which a part of the system of fortifications had been taken one year, in order for reference and inquiry, and the next year, when that matter came again under consideration, the surveyor general of the ordnance had insisted upon it, that the House stood pledged to vote the money.

Mr. *Dundas* declared, that the noble Marquis (of Lansdown) whose name had been brought into question, should ever

ever stand intitled to his support for the singular act of service that had distinguished his administration. It had proved the salvation of the country, which, as subsequent events had shewn, must have been undone; if the noble Marquis had not made the peace. Mr. Dundas enlarged on this circumstance, and said, it ought to entitle the noble Marquis to the gratitude and respect of that House, declaring, that although when he had heard that noble Marquis speaking of the present Administration, he certainly did not like him the better for so speaking; yet, that nothing could or ought to obliterate from his mind the extraordinary merit of that one act of his administration. Whenever the day should come, that a motion should be made for rescinding the Resolution from the Journals on the subject of the peace, he should hold it to be his duty strenuously to argue in support of that motion.

Mr. Fox desired, that it might be understood, that in any thing which he had that day, or at any time said of the noble Marquis in question, he had always confined himself to his Public conduct, and by no means intended to allude to any part of his private life. To have done so, would have been impertinent, unwarrantable, and ungentlemanlike. With regard to the peace, his opinion was not in the smallest degree altered respecting it. So far from it, that it stood confirmed in the strongest manner; and if ever a day should come, when a motion should be made for rescinding the Resolution which stood upon the Journals, he was prepared not only to repeat and maintain his former arguments, but to support them with additional arguments grounded upon subsequent occurrences.

The question of the amendment was then put and carried; and afterwards the main question so amended was put, when the House divided, and the numbers were,

Ayes, 113—Noes, 188.—Majority, 75.

The following State Paper, which contains an Account of the whole Navy of Great Britain, as made up to the day of the commencement of the present session of Parliament, was lately laid on the table of the House of Commons, for the perusal of the Members:

State of the Navy, including all the Ships in Commission, in Ordinary, and building, on the 23d of January, 1787.

In Commission.

At home, as guardships, twelve ships of the line. Cruizers on the English and Irish stations, nine frigates and thirty sloops.

At the several ports fitting for stations, three ships of 50 guns, one of 44 guns, eleven frigates, and twelve sloops.

On the Mediterranean station, with Commodore Cosby, one ship of 50 guns, three frigates, and one sloop.

On the coast of Africa, one sloop of 18 guns.

In America, four frigates and eight sloops.

At Jamaica, one ship of 50 guns, one of 44 guns, two frigates, and three sloops.

On the Leeward-Islands station, three frigates, and four sloops.

In the East Indies, two sloops of 16 guns.

Going to Botany Bay, one frigate and one sloop.

Total of ships in commission—Twelve ships of the line, five of 50 guns, two of 44 guns, thirty frigates, and sixty-two sloops.

State of the Ordinary.

In ordinary at Plymouth, Portsmouth, Chatham, Woolwich, and Deptford, one hundred and twenty-seven ships of the line, thirteen of 50 guns, one hundred and nine frigates, and fifty-seven sloops.

Ships building.

In the King's yards, eleven ships of the line, two of which are of 100 guns, four of 98, and five of 74 guns, and one of 50 guns.

At the merchant yards, seven ships of the line, and five frigates.

There have been condemned and broke up, or sold since the naval return of last year, one ship of 64 guns, two frigates, and seven sloops.

Recapitulation.

	Line.	Fifties.	Frigates.	Sloops.
In commission	12	5	35	62
In the ordinaries	127	13	109	57
On the stocks,	18	1	5	—
	<hr/>	<hr/>	<hr/>	<hr/>
	157	19	149	119

The number of seamen, including marines, borne on the books of the ships in commission, was stated at 27,390 men.

The House adjourned.

Thursday, 8th March.

No material occurrence took place, excepting that the House went up with the following address.

The

The humble Address of the Right Honourable the Lords Spiritual and Temporal, and Commons, in Parliament assembled.

“ Most gracious Sovereign,

“ We, your Majesty’s most dutiful and loyal subjects, the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, having taken into our most serious consideration the provisions contained in the treaty of navigation and commerce concluded between your Majesty and the most Christian King, beg leave to approach your Majesty with our sincere and grateful acknowledgements for this additional proof of your Majesty’s constant attention to the welfare and happiness of your subjects.

“ We shall proceed with all proper expedition in taking such steps as may be necessary for giving effect to a system so well calculated to promote a beneficial intercourse between Great Britain and France, and to give additional permanence to the blessings of peace.

“ It is our firm persuasion, that we cannot more effectually consult the general interests of our country, and the glory of your Majesty’s reign, than by concurring in a measure which tends to the extension of trade, and the encouragement of industry and manufacture, the genuine sources of national wealth, and the surest foundation of the prosperity and happiness of your Majesty’s dominions.”

Friday, 9th March.

The only business which took place was, that

Mr. Speaker reported, that both Houses did, on the preceding day, attend His Majesty with their address; to which His Majesty was pleased to give this most gracious answer :

“ My Lords, and Gentlemen,

“ I return you my thanks for this loyal and dutiful address.

“ The declaration of your sentiments, formed after the most serious consideration of the treaty of navigation and commerce between me and the Most Christian King, affords me the truest satisfaction; and I receive, with pleasure, the assurances of your intention to proceed with all proper expedition in taking such steps as may be necessary for giving it effect.”

The House adjourned.

Monday, 12th March.

Mr. Gilbert **Mr. Gilbert** begged leave to submit to the consideration of the House, that the Committee sitting above stairs, for the purpose of inquiring into the state of the laws respecting the poor, had found their powers inadequate to the purpose, and that several of the parish officers had neglected, and others refused to deliver in the accounts called for, to rectify which he should move that the said Committee might have power to send for all persons, papers, &c. relative to that business.

The motion passed.

Major Scott made a motion for certain papers respecting affairs of India.

Mr. Burke. **Mr. Burke** desired to be informed, whether the honourable Major's motion tended to postpone the intended business relative to the contracts.

Major Scott replied, that it did not,

This motion also passed.

Mr. Chancellor Pitt. **Mr. Chancellor Pitt** observed, that he had not so thoroughly digested his promised motion, respecting a reduction of the duties on Portugal wines, as to be able to bring it that day before the House, and that he should on the morrow make a previous motion with regard to spirits.

Mr. Dempster. **Mr. Dempster** said, that he had perused a Calcutta Gazette, which particularly mentioned, that the East-India Company had issued an order, directing that none of their servants be permitted to write home to their friends in England, any account respecting the affairs of that country. He therefore begged leave to move, "that all correspondencies between the servants of the Company, since the year 1784, be laid before the House."

Mr. Chancellor Pitt. **Mr. Chancellor Pitt** avowed himself a stranger to any such order, and asked time to inquire into it, for which purpose Mr. Dempster withdrew his motion.

The House adjourned.

Tuesday, March 13th.

The House resolved itself into a Committee of the whole House, to take into farther consideration so much of His Majesty's most gracious speech to both Houses of Parliament, upon the 23d day of January last, as relates to simplifying the public accounts in the various branches of the revenue, and

Mr. Steele took his seat at the table.

Mr. Chancellor Pitt. **Mr. Chancellor Pitt** observed, that it was not barely in compliance with the stipulation in the treaty of commerce with France, that the idea of reducing the duties on brandy was adopted, but in a great measure, with a view to add still farther

farther to those encouragements of the fair and legal trader, which had always been so much the object of his wishes and of his diligence. To this end, he should not be satisfied with simply reducing those duties to the standard provided for by the treaty (to seven shillings per gallon) but would propose to reduce them as low as five shillings per gallon, which he hoped would effectually drive the smuggler out of the market. In consequence of this extraordinary reduction of the duty on brandy, he should also propose to make a proportional reduction of the duty on rum, that so this article might not suffer in its consumption; and this reduction was such as should make the whole of the duties (those of excise and customs united) four shillings per gallon. Having thus stated the general intention, he proceeded to argue upon it, from several statements of calculation, and general principles of policy. It had, he said, not unfrequently been the practice in this country to seek for an increase of revenue, by an actual reduction of duties, and that practice had in many instances proved highly successful. It was, therefore, in pursuance of that principle, and with a view to share the profits of the smuggler between the state and the fair trader, that the present proposal was made. There had, upon an average, of about three years, been smuggled into this country, about four millions of gallons of brandy. This calculation, the Committee would see, could not, from the nature of the subject, admit of any degree of accuracy. But as far as it could, it had been endeavoured to be ascertained by all the investigation which could in such a case be applied. The officers of the revenue on the coasts, had received directions for the last three years to use every degree of diligence, and every effort in their power to collect such materials of information on the subject as might lead to that desirable object, the forming a judgement of the true state of the illicit trade in this commodity; and from every information which could be obtained through such channels as were open for information, there was the greatest reason to compute the brandy smuggled into the kingdom at the amount which he had stated. Between this quantity smuggled, and that which was legally imported and paid the duty, there was a most enormous difference, for the latter did not amount to above six or seven hundred thousand gallons. Were the whole of the reduction to be made to operate as a dead loss upon the revenue, and not to be compensated by any increase in the legal importation, that loss would amount to about 200,000*l.* per annum—but then, if by the reduction such a blow was to be given to the smuggler, as to throw the importation of but eight hundred thousand gallons, out of the four millions at present illegally imported,

into

into the hands of the fair trader, it would make a sufficient compensation for the 200,000*l.* given up by the reduction, and whatever increase the legal importation might experience beyond eight hundred thousand gallons, would be a clear gain and advantage to the revenue. He declared, that for his own part, he had the most sanguine expectations of the benefit likely to arise to our finances, from the advantage which the fair trader would find in his competition with the contraband dealer in consequence of this plan; and he proceeded to point out by a detailed calculation of the prices of the different species of the commodity in question, how clearly and completely the competition would favour the legal consumption. There had been samples of the different sorts of brandy collected by the officers at the places of importation, and sent with an account of their several prices at their first cost, to the Excise Office in London, where they were examined by the principal merchants, and an account procured from them, of the several prices, which they might be expected to bring in the English market from the consumer, and he had the authority of those gentlemen for saying, that in almost every different sort, the fair trader, under the present reduction, would be able actually to undersel the smuggler. Flattering, however, as the prospect was, of the plan itself answering fully to compensate by its own operation, for the diminution of the duty, yet there was a method, which he intended to adopt, for securing a considerable part of the necessary compensation, and not leaving the whole of it to that risk which must, in every project of the kind, be unavoidably encountered. This idea, though not absolutely a part of the plan which he was stating, nor necessarily connected with it, yet as it tended in some measure to diminish the risk which gentlemen might fear from the plan itself, he should open it to the House. It was his intention, on a future day, to bring forward a proposal for raising the price of licenses for retailing of spirits, to which he believed no objection could be made, when it was considered, first, as far as would go as a compensation in point of revenue, for the reduction of the duty; and, secondly, as a corrective of the only other objectionable consequence of that reduction, the introducing the use of spirits among the common people, at a lower rate; and particularly as he should propose the license money to be paid by installments, and not in one gross sum, at the end of the year, as was now the practice, and which was always looked upon as the most oppressive circumstances attending licenses. In this increase of the expence of licenses, though it was, he acknowledged, generally speaking, his wish that some check might be found for the evil arising from the great abundance

of those sort of houses, yet, in the present plan, he proposed to suggest a method, by which a proportion might be observed, and the more opulent be made to pay more than the poorer sort; a principle which ought at all times, when it could be so contrived, to receive adoption. In these several reductions, care had been taken to calculate what proportion would be necessary to make between the duties on brandy and those of rum, that so the consumption of the latter might enjoy an advantageous competition with the former, and he believed it very probable that the proportion now suggested would prove such as must fully answer that purpose. There was one farther consideration for the attention of the Committee, which was, how far the home distillery and the brewery of the kingdom would be affected by this reduction of the duties on foreign spirits. With respect to the distillery, the question would be, whether the reduction of the excise duty lately made with a view to suppress the unlicensed and fraudulent distiller, would not be amply sufficient in itself to put that trade on a footing of fair competition with imported spirits, under the now proposed duty. In order to point out the method by which the House might best consider that question, he entered into a full detail of the situation of the British distillery, stating the several duties which had been imposed upon it at different times, from four-pence per gallon up to 2s. 6d. and also distinguishing the different effects which appeared to arise in that branch of manufacture, under the several different proportions of duty which it had in each different period borne to the foreign produce. As to the article of beer, besides considering it in a great degree in the same point of view with the distillery, he observed, that the proposed increase in the price of licenses for retailing of spirits, would afford an evident advantage to the home consumption of beer, and the great and extensive foreign market now opened for that article, would furnish a very considerable compensation for whatever loss, if any, it might sustain from the reduction of the price of foreign spirits. Mr. Pitt now made his first motion, the purport of which was, "that the duty of excise on brandy should be 4s. 3d. per gallon, which, with the 9d. already imposed in the customs, would make 5s. per gallon."

Mr. *Sheridan* lamented that it was not in his power to entertain the same sanguine hopes of the right honourable gentleman's scheme which he had been himself so ready to declare he entertained; and one reason why he was inclined to put the less confidence in it, was, that he recollected that the right honourable gentleman had two years ago come down and proposed a reduction of the duty on the home distillery,

Mr. Sheridan.

distillery, stating, that he entertained the same sanguine hopes that it would tend to add considerably to the revenue; and yet the very next year he had found that his expectations failed him, and had been obliged to put the duties on again. It was much to be lamented, that the right honourable gentleman had not been able to get at the accounts of the computed quantity of brandies smuggled into this country, upon which he had rested all his argument in support of the present measure, before the conclusion of the commercial treaty with France. By that treaty Great Britain had stipulated to lower the duty on brandy to 7s. per gallon, whereas the right honourable gentleman now thought himself warranted to lower the duty to 5s. per gallon. Had the accounts therefore of the quantity of smuggled brandy been before obtained, the right honourable gentleman would have had something in hand, as it were, to treat with, and consequently could have treated to more advantage, as France would certainly have given an equivalent for the benefit of having her brandies imported into Great Britain upon so low a duty as 5s. per gallon. The right honourable gentleman had built his expectations of regaining the 200,000l. a year defalcation of the revenue, which the scheme of lowering the duty to 5s. would, in the first instance, occasion, upon the larger quantity of brandy, which would in consequence be legally imported, and, of course, the greater quantity of duty which would be paid; but although he had talked sanguinely about this, he had declared that he would not risk the loss of the 200,000l. entirely, but would ensure a share of it, by an addition of charge upon the licences to be taken out by the retail venders of spirits. To the right honourable gentleman's reasoning that it would tend to preserve the morals of the lower order of the people, by putting a check upon their practice of dram-drinking, he was very ready to subscribe, as every gentleman must wish so pernicious a practice abolished, if it were possible; but he could not help observing, that the right honourable gentleman's two arguments did not run well together, viz, by lowering the duties on brandy, the quantity legally imported would considerably increase, and thence the revenue would acquire much, and that it was nevertheless at the same time right to make an addition to the charge paid for licences, in order to check and keep down the consumption. He did not believe that the planters and merchants of the British West-India islands would be at all satisfied with the distinction the right honourable gentleman had declared it was his intention to make between the duties on French brandy, and on rum, the produce of the British West-India islands. The difference of a single shilling was by no means enough to enable our rums

to stand a competition with the French brandies, and that it was not, he believed the right honourable gentleman would hear from gentlemen, more competent to speak on the subject than he could pretend to be. There was one point, however, to which he must expect to receive some answer, and that was, whether the right honourable gentleman meant to make any reduction on the malt distillery of this country? Upon that head the right honourable gentleman had been wholly silent, though it certainly was material, as the great reduction of the duties on brandies must necessarily affect the consumption of home-made malt spirits very considerably. He did hope therefore that the right honourable gentleman would give him some answer upon that essential point. He alluded to the language of the Chancellor of the Exchequer, respecting the effect which the commutation act would, in all probability, have on the smuggling of brandy, and, after much reasoning upon it, to prove that the right honourable gentleman's expectations at that time had failed, he concluded with repeating his declaration, that so far from entertaining sanguine hopes of the success of the present measure, as the right honourable gentleman had professed to do, he thought very differently, and did not believe that it would succeed at all.

Lord *Penryn* observed, that he could not agree with the right honourable gentleman as to the probable advantage that the planters and merchants would derive from the measure now proposed, from the effect it would have upon the sale of rum, the produce of the British West-India islands. He had understood the right honourable gentleman originally intended a different alteration of the duties to be paid on the importation of brandies and rums, and that he meant them to stand exactly in the same comparative state that they stood in in the year 1778. But the right honourable gentleman had altered his mind, and it now appeared he meant, that the only difference of the duties should be one shilling per gallon in favour of rum; under which difference, so far was he from thinking that the rums of the British West-India islands would have an advantage, that he was persuaded they would not be able to stand a competition with the brandies, but would be driven entirely out of the British market; and when he said so, he was authorised to declare it to be the unanimous opinion of a large meeting, composed of the most considerable planters and merchants concerned in the manufacture and sale of rums. His Lordship proceeded to illustrate and justify this assertion by stating, that, according to the right honourable gentleman's argument, the brandies could not be brought into the market and sold at seven shillings and sixpence per gallon, and endeavoured to shew,

that the rums could not be brought into it at less. Rums could not be manufactured and imported for less than three shillings per gallon. They had been imported for the last year at two shillings and sixpence; but that was a losing trade, as all the merchants well knew. Taking the importation therefore at three shillings, the duty at four shillings made it seven, and then there was a ten per centage for leakage, wastage, &c. &c. in coming home from the West Indies, which would bring it up to seven shillings and sixpence per gallon. Thus rums would be incapable of standing a competition with the brandies in the British market. There was another market that they had been told of on a former occasion, which had been considered as a market that could not fail to prove singularly advantageous to the planters and merchants, by taking considerable quantities of rum from the British West-India islands. That market, however, had almost entirely failed. The market he alluded to was Canada, where a duty had not only been laid on the importation of West-India rum, but where it was the general practice of the province to get molasses from the French, and make a spirit from it, which could be sold much cheaper than rum. There were at this time two ships in the river going to France for molasses to carry to Canada; and he was satisfied the Indian and the Canadian would drink that spirit which they could get the cheapest.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* observed, that the Noble Lord had mistaken the properest method of considering the subject, by comparing the present proportion between the several duties, with that which was intended to be made between them for the future; for the way would be to have looked back to the time when the proportion was much more favourable to brandy than it was now intended to be made, and yet at that time the consumption of rum had been able to stand a very successful competition with that of brandy.—And now the proportion not being designed to be so favourable to brandy, and the smuggling of that article being likely to be more restrained than ever, there was every reasonable degree of probability that the competition would be still more advantageous to rum than it had formerly been. This he begged leave to remind the Noble Lord, had been his opinion on the subject from the first, when he had several conversations with him and others on the subject. The Noble Lord therefore had no right to charge him with having used any deception, or having changed his mind upon the subject, as he had all along expressed his intentions as fully as he had done during the present debate, and had used the very same arguments, which it would have been better for the Noble Lord to have refuted, than to have rested upon any charge of

of want of candour against him. The Noble Lord had stated, that the present price of rum in the West Indies was three shillings per gallon; and to that price he had added leakage and wastage, as necessarily to be made good in the selling price in the English market. But the fact was otherwise; for the first cost in the West Indies was only from two shillings to two shillings and sixpence, and, in computing it at three shillings, there was a sufficient allowance for leakage, wastage, and freightage, which the Noble Lord first provided for in his first cost, and had afterwards charged for in a separate calculation. He supposed the honourable gentleman opposite to him would take it amiss if he did not answer the two questions he was pleased to put to him; he should therefore endeavour at least to give him satisfaction. It was by no means his intention to lower the duty on home-made spirits, being persuaded that that trade would find a sufficient protection in the reduction which had so lately been made. As to the great triumph which the honourable gentleman had displayed in his statement of the circumstances attending a former restoration of the duty on home-made spirits, he begged the honourable gentleman would give himself the trouble of recollecting those circumstances accurately, before he commented upon or attempted to draw his own conclusions from them. The fact was, that so far from his having come back to Parliament to restore a duty that he had before taken off, he had only transferred the duty from one stage of the manufacture to the other; for finding certain inconveniencies attending the duty on malt, he had, it was true, diminished that duty, but had imposed a correspondent duty on the wash; and he assured the honourable gentleman, that if he was to be sanguine or despondent on the present occasion, in proportion to the success or disappointment of that scheme to which he had thought proper to allude—there would be nothing in the reflection to abate his wish for carrying his plan into execution. As to the question proposed by the honourable gentleman, why, when it was intended to lower the duty on brandy to five shillings, was it not so stipulated in the treaty instead of seven shillings, that an equivalent might be obtained correspondent to the difference? He should shortly answer, that although for several reasons, and chiefly to give a sudden check to smuggling, it was advisable at present to reduce the duty to five shillings; yet it was by no means proper to stipulate with France that it never should be higher.

Lord *Penrhyn* declared, that the right honourable gentleman must be mistaken in his assertion of having signified to him his intention respecting the reduction of the duty on rum, as he had not come to town till after the period of time

Lord Penrhyn.

alluded to. His Lordship admitted, that rums, manufactured in the British West-India islands, had been imported into Great Britain at two shillings and sixpence per gallon; but begged the right honourable gentleman to recollect that he had in his former speech stated, that the importation at two shillings and sixpence had been a losing trade.

Mr. Sheridan.

Mr. *Sheridan* thanked the Chancellor of the Exchequer for the answer he had given him in respect to his stipulating in the commercial treaty with France for no lower reduction of the duty on brandies than to seven shillings per gallon, but was not satisfied with the other parts of the right honourable gentleman's reply.

Mr. Fox.

Mr. *Fox* desired to know when the right honourable gentleman intended to bring forward his proposition relative to Portugal wines? The matter was, he observed, of considerable importance, and ought in his mind to be announced in time, so that gentlemen might be aware, when it was to be brought forward. Mr. *Fox* said, he hoped the right honourable gentleman meant to make his proposition previous to their going into a Committee on the consolidation bill, and that he would give notice when that would be, as the bill could be sent to a Committee without first having a question for separating the two objects of the bill fully discussed.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* answered, that, for several particular reasons, it had been thought advisable to defer making his motion for reducing the duty on the importation of Portugal wines for a few days, but that he meant to give full notice, and, he believed, some day about the middle of next week would be the day; but, at all events, he intended to make it previous to their going into a Committee on the consolidation bill. With regard to the right honourable gentleman's second objection, the separation of the two parts of the bill, an honourable gentleman had the preceding day given notice of his intention to bring forward a question upon it, and that subject would properly come under consideration when the question should be put for the Speaker's leaving the chair, previous to the House's resolving itself into a Committee upon the bill.

Mr. Dempster.

Mr. *Dempster* (who had before produced his motion, but suspended it while Mr. Dundas withdrew to fetch a copy of the letter to which the motion alluded) rose, and moved, that
 "Copies of all orders sent out by the Directors of the East-India Company, since the year 1784, forbidding the servants in India to correspond with their friends at home relative to the affairs of the East-India Company; together with copies of all notifications of the said orders in India," be laid before the House.

Mr.

Mr. *Dundas* remarked, that for the purpose of assisting the House to judge properly of the complaint which gave rise to the motion then before them, he would read to them, the order from the Board of Control that had been complained of the Court of Directors' letter upon it, with the reply of the Board of Controul to the letter. It appeared from the paper, that the Court of Directors disapproved of the order of the Board of Control, and assigned as an argument in support of their opinion, that material intelligence had frequently been conveyed to them through the medium of private letters from some of their servants, of which no mention had been made in their official dispatches. In answer to this, the Board of Control had taken the liberty to state to the Court of Directors, that they had made no new order, but had merely recommended the enforcement of various orders of their own, referring them to the orders of 1731-2, and a great many others of different dates between the year 1731 and the year 1759. Mr. *Dundas* reasoned upon this as amounting to an unanswerable proof, that the Board of Control had not acted improperly, and that the papers called for were unnecessary. Mr. *Dundas* reminded the House, that there was such a thing as India stock, and mentioned the gambling in that stock, in consequence of secret advices from the confidential servants of the Company, as a matter which it was the duty of the Board of Control to guard against.

Mr. *Sheridan* answered, that the contents of the paper proved, that under the idea of enforcing a particular order, particularly confined to the confidential servants, and those in places of special trust, an advantage had been taken by the Board of Controul, and an order had been sent out, under sanction of which all the Company's servants of every description had been generally interdicted from writing to their private friends at home, any account of or opinion upon the affairs of the Company transacting in India. [Mr. *Dundas* desired the honourable gentleman to recollect the words of the paper.] Mr. *Sheridan* said, if he had the paper to refer to, he was satisfied he could convince the House that the true construction of it was very different, from that put upon it by the right honourable and learned gentleman. The paper being upon this handed across the table to Mr. *Sheridan*, he began to read the contents, and to comment, as he proceeded with a view to fix its meaning to his argument. He contended, that the preamble of the order stated, that it was necessary to enjoin the confidential servants of the Company in India to secrecy, and that after it had been so stated, the order in itself was general, and equally binding upon all the servants of the Company, of whatever description.

Mr.

Mr. Dundas Mr. *Dundas* asserted, that the right honourable gentleman had so mangled and blended the parts of the paper that he had read, with his own comments upon each, that it was impossible for the House to form any distinct idea of either. Mr. *Dundas* went into argument to justify his former speech, the principles of which, he said, were founded upon the paper in his hand; whence it appeared most incontrovertibly, the Board had done no more than recommend the enforcement of the old orders of the Court of Directors.

Mr. Fox. Mr. *Fox* asserted that the right honourable and learned gentleman's own argument proved (what his honourable friend had before contended for) that, under a pretence of sending out an order, binding only on the select confidential servants of the Company in India, advantage had been taken, and a general interdiction had been laid on all the Company's servants, to prevent their writing to their private friends at home any account of what was passing in India. Mr. *Fox* declared, that the consequences could not but be mischievous in the extremest degree. In India, above all other governments, publicity was to be wished for; if any thing could give hopes of the affairs of the Company being restored to prosperity, the publicity of the transactions in India must be the foundation of those hopes. He asked under what government were men restrained from freely communicating their sentiments upon public affairs to their friends? Under no government that he had ever heard of. With regard to persons in confidential office betraying secrets of state, there wanted no specific order to prevent that treachery. Men so situated were bound by their duty to preserve inviolable secrecy; and in all countries, whoever of that description, betrayed his trust by broaching, what of necessity should have been concealed, was deemed guilty of an high crime, and was liable to severe punishment.

Mr. Burke. Mr. *Burke* begged leave to remind the right honourable and learned gentleman (Mr. *Dundas*) that he had himself collected and made public a vast fund of information upon the politics, the commerce, and the revenue of the British possessions in India, and he begged to ask him whether he could have been able to have drawn together such a mass of materials, if it had not been from the free communications of the Company's servants in their private letters? He wished to know likewise, whether the right honourable and learned gentleman thought his Reports of the Secret Committee had done any injury to India? With regard to himself, he declared, he could not have been able to have proceeded half the length he had gone in conducting the prosecution then carrying on, had it not been for the accounts sent home in the private letters of the Company's servants. From them, and from letters sent him

him anonymously, and from persons, with whose names even he was not acquainted, he declared, he had gathered much information. Mr. Burke enforced a similar argument with that used by Mr. Fox, as to the advantage of publicity, with respect to every transaction in India; upon that alone, he said, depended the safety, nay, the existence of our interests in that quarter of the globe. The order he contented was on another account altogether useless. The servants of the Company in general, so far from being addicted to be loquacious and communicative, were remarkably sparing of their information. Nay, so far from its being easy to get any thing from some of them, that House had witnessed that they had almost preserved a Pythagorean secrecy; for the House, with all its authority, had scarcely been able to squeeze any the smallest modicum from the costly nature of some of the Company's servants who had lately been at their bar.

Mr. Chancellor *Pitt* begged leave to point out to the right Mr. Chan-
honourable gentleman (Mr. Burke) several inconsistencies and Pitt.
contradictions in his speech, particularly his having said, that all persons from India seemed to him to be locked up; and yet acknowledging that he had obtained a vast deal of information from that country, through persons to whose names even he was a stranger. After enlarging on that expression, he inveighed against (what he called) the absurdity of endeavouring to release the confidential servants of the company in India in confidential situations, from the duty of official secrecy—He put into several lights the necessity there was for enforcing that duty in various departments of every government in the world; and reminded gentlemen on the other side, that Parliament had itself more than once recognized the necessity of enforcing secrecy in several departments of the East-India administration, by appointing a Secret Committee of the Directors, as if it considered twenty-four Directors as too many to be made acquainted with certain matters relating to their establishment; and when that House had thought it necessary to make an inquiry into the affairs of India, it had not ventured to do it, except through a Committee of Secrecy, fearing that if such a subject were to be discussed in the usual way, it would be a means of disclosing circumstances which ought not to be made public—and what Parliament did not think safe to entrust to the whole body of the Directors, what it did not think fit should be known to itself, the honourable gentleman who made the motion, and those who supported it, would choose to leave at the discretion of every servant in India, who, in the execution of a confidential employment, might become acquainted with it, to publish to the world without any restraint whatsoever. He concluded with saying, that though he was perfectly indifferent whether the paper in
question

question was laid on the table or not, yet he would object to the motion, as he did not chuse to sanction the arguments, that gentlemen on the other side of the House had thought proper to use in support of it, which he conceived would do no good in India.

Mr. Sheridan.

Mr. *Sheridan* remarked, that the right honourable gentleman had assigned a very singular reason for objecting to the motion, and this was, not that he had any wish that the papers should not be put upon the table, but because he would not, by suffering the motion to pass, give a sanction to the arguments advanced by that side of the House, in proof that the order ought not to have been sent to India.

Lord Mulgrave.

Lord *Mulgrave* justified the order respecting secrecy; and stated, among other things, the impropriety of individual Directors being privately furnished with information from India, not generally known, and coming with it to a general Court, and making use of it.

Mr. Francis.

Mr. *Francis* said, the question was not, what did the Board of Control mean to send out, but what was the sense put upon their order in India? He had a large acquaintance in India, and particularly with the Secretary to the Board of Supreme Council at Calcutta; but, he declared, upon his honour, that gentleman had never written him one line upon the state of affairs there. Others of his correspondents in India, not in confidential offices, had repeatedly and freely communicated intelligence to him, which he had always used for the good of the Company, by making it public. Of late their communications had fallen off in consequence of the order published in the Calcutta Gazette, and, what was remarkable, large as his acquaintance in India was, the packet that arrived last week had not brought him a single line.

Mr. Baring.

Mr. *Baring* remarked, that last war the Directors frequently received their intelligence through France earlier than by any other way. He urged the impropriety of this, and commended the order, as wise, expedient, and necessary.

Sir James Erskine.

Sir *James Erskine* observed, that the honourable gentleman had insinuated the scope of the information of the Directors stood narrow, and he wished to reduce it to still narrower grounds, by shutting out the only means of their receiving supplemental information that remained open to them.

Mr. Dempster.

Mr. *Dempster* stated the reasons that had induced him to make the motion, declaring that a friend in India, with whom he corresponded, had written him word that the Company's servants in that country considered themselves as reduced to the most mortifying silence, in consequence of the notification in the Calcutta Gazette. Mr. *Dempster* commented upon the bad tendency of the revival and enforcement of an obsolete

obsolete order, and pressed the other side of the House to grant the papers.

Mr. *Hussey* hoped that the motion would not be ultimately opposed. He contended, that the objection urged on the ground of the possibility of persons in confidential offices in India, commissioning their friends at home to gamble in India stock for them was idle, because, whether the papers were granted or not, if men in high trust were so far lost to all sense of their duty to their country, to the Company, and to themselves, as to be desirous of acting in that manner, no order of the Board of Control would be sufficient to restrain them. Mr. *Hussey* instanced the case of a person in the highest trust, who was reported to have made a great deal of money by that means.

Mr. *Sloper* remarked, that they had only heard arguments on one part of the motion; but, he hoped they would hear something on the other; something upon the notification of the Calcutta Gazette, and he trusted that all the papers called for would be granted.

The question was put, and the House divided,

Ayes, 20. — Noes, 94.

The House adjourned.

Wednesday, 14th March.

Mr. *Dundas* observed, that as the several papers which were moved for by an honourable gentleman (Major Scott) relative to the charges against Warren Hastings, Esq. on contracts, which were to be brought forward on the ensuing day, were not yet produced, he wished to know the opinion of the gentlemen who were to advance those charges, whether it would not be prudent to postpone the going into the charges until the House were in possession of the papers which related to most of the contracts.

Sir *James Erskine* contended, that the charges could be fully made out without the papers in question. He wished that the day might not be farther postponed. The charge would have been brought forward in the course of the preceding week without those papers, had it not been for a motion of the right honourable gentleman. Those papers were not then thought necessary, and he could see no reason now, why they should cause a delay.

Major *Scott* answered, that it was with no intention of delay that he made the motion for those papers, but for the sole purpose of putting the subject completely before the House, and for that reason alone he wished for every paper to be printed completely and laid before the House; but, as those papers were not before the House, he did not wish the charges to be

delayed, but hoped the honourable Baronet would bring them forward on the morrow.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* expressed his wishes that every information had been in the possession of the House; but as the honourable Baronet (Sir James Erskine) had observed that there was sufficient information on the table; and as the honourable gentleman behind him (Major Scott) had intimated his desire for the charges not to be delayed, he could see no reason for postponing them. He wished that no delay might be suffered, and hoped gentlemen would proceed, for the sake of speedy justice, with all possible dispatch, in bringing forward and going through with all the charges: the late delay he took upon himself, but it was to make room for important business.

Mr. Francis

Mr. *Francis* observed, that information sufficient was before the House to support the principal points of the charge intended to be made on the morrow by the honourable Baronet; the information on the opium contract, the House was in possession of, and that was the chief article of the charge.

Mr. Dempster.

Mr. *Dempster* remarked, that he did not wish, at present, to take up the time of gentlemen on his motion for the repeal of the East-India judicature bill; he could make his motion on another day; and by postponing it, gentlemen would gain time to prepare themselves for the important business of the present moment.

The motion was withdrawn.

Mr. W. Grenville moved,

“ That an act, made in the last session of Parliament, entitled, ‘ An act for farther continuing for a limited time, an act, made in the twenty-third year of the reign of His present Majesty, entitled An act for preventing certain instruments from being required from ships belonging to the United States of America; and to give to His Majesty, for a limited time, certain powers for the better carrying on trade and commerce between the subjects of His Majesty’s dominions, and the inhabitants of the said United States; and for farther continuing, for a limited time, an act, made in the twenty-fourth year of the reign of His present Majesty, entitled, An act to extend the powers of an act, made in the twenty-third year of His present Majesty, for giving His Majesty certain powers for the better carrying on trade and commerce between the subjects of His Majesty’s dominions, and the inhabitants of the United States of America, to the trade and commerce of this kingdom with the British colonies and plantations in America, with respect to certain articles therein mentioned,’ might be read ;

And the same being read accordingly ;

The

The House resolved itself into a Committee of the whole House to consider of the said act.

Mr. Steele now took his seat at the table, and

The acts 23 and 24 being read,

Mr. *W. Grenville* stating the grounds upon which it was deemed expedient to apply to Parliament for an act to authorise the continuance of the trade with the United States of America, subject to the discretion of the Privy Council, for another year, remarked, that the nature of our intercourse with America had been so amply detailed during the course of the preceding session, that it was unnecessary to take up the time of the House by going again over the matter. He would, therefore, confine himself to such points as more particularly called for explanation, in order that the House might know the true situation of our commerce with America, as far as it respected the trade carried on between the British West-India Islands and Great Britain, between Great Britain and the American continent, and between the British West-India Islands and America. He began his detail with a statement of the manner in which the West-India Islands had been supplied with flour and grain, and lumber, the two articles which he considered as the most important of the whole supply furnished to the West-India Islands. He enlarged upon this head of his subject, and stated the quantity with which Great Britain had been able to supply Jamaica and the other islands, and asserted that it was a species of commerce highly useful to our navigation, as it employed fifty thousand tons of shipping, and four thousand seamen annually. He admitted that the price of provisions, staves, &c. purchased in America had risen far above all former precedent, but imputed it not so much to the want which the islands felt of such articles, as to the peculiar state of the American provinces, and to a variety of other circumstances. He next went into an enumeration of rice, shingles, and the various other articles of supply furnished to the West-India Islands, stating the quantity exported from Great Britain, and the quantity exported from the United States of America, and from the neutral islands. After going through the statement of the different articles, he proceeded to speak of the market which our remaining American provinces offered for rum, and said, that the commerce of our colonies was growing, and that it promised a rapid increase, a circumstance which could not but prove extremely beneficial to the merchants and planters of the West-India Islands. He recapitulated the quantity of puncheons of rum imported in the course of the last year into America, and the British colonies on that continent, and reasoned upon the fact, as corroborative of his former argument. One thing, he said, he was

Mr. W.
Grenville.

obliged to mention, and respecting which he meant to apply to the House to administer such a remedy as to their wisdom would seem fit. What he alluded to was, that upon a comparison of the quantity of tons of shipping employed, in the years 1783 and 1786, it appeared, that in the year 1785, we employed 58,000 tons, and in the last year only 50,000 tons. He accounted for this falling off, and stated the sort of remedy which he meant to propose. He next stated, why it had been judged more proper to apply for an act of another year's continuance, vesting the power in His Majesty in council, than for a permanent bill, declaring that, at present it was so difficult to decide whether the United States of America were under one government, whether they consisted of many discordant governments, or whether they were under no government at all, that it was deemed more expedient to wait till their government assumed some settled and established form, than to offer any terms of commercial intercourse. Mr. Grenville concluded with moving, that the Chairman be directed to move,

“ That leave be given to bring in a bill for farther continuing, and more effectually enforcing the provisions of the said acts of the 23d and 24th years of His present Majesty.”

Lord Pen-
rhyn.

Lord Penrhyn begged leave to observe, that he doubted the accuracy of that part of the right honourable gentleman's speech, in which he had stated the quantity of gallons of rum exported from the British West-India Islands to America. His Lordship also took notice of the acknowledged advanced price of articles necessarily purchased in America for the use of the British West-India Islands, and argued upon it, as a proof that the merchants and planters were entitled to the consideration and favour of Parliament, wherever either could be shewn, without disadvantage to the general interests of the empire. He remarked, that although the right honourable gentleman had, in the early part of his speech, talked of our continuing the intercourse between Great Britain and the West-India Islands, as highly flattering, with a view to our navigation, towards the close of it, he had been under the necessity of admitting, that in respect of tonnage of shipping employed, we had diminished 8000 tons upon a comparison of the year, with the preceding year.

Mr. Gren-
ville.

Mr. Grenville answered, that he could venture to assure the noble Lord, that he had every reason to believe that the statements contained in the paper, from which he had spoken, were accurate; and as to the deficiency in respect to the quantity of tonnage of shipping employed, he begged the noble Lord to recollect, that he had in his former speech declared, that he should propose a mode of preventing the cause of the deficiency

deficiency from continuing. But without adverting to this, it was evident, that although we had not in 1786 used 58,000 tons of shipping, as in 1785, we had used 50,000 tons, which employed four thousand seamen, and was, on that account, a great and solid ground of satisfaction to the country.

Mr. *Dempster* observed, that when he voted in favour of the proposition, that the government of the trade with America should be vested in His Majesty in Council, he felt some reluctance, being conscious that he resigned the powers of that House in an unconstitutional manner; but the unsettled condition of the United States of America and the peculiar circumstances of the times appeared to him to warrant such a resignation of his own right, as a member of Parliament, and to justify that concession. The case was, however, now different, and he saw no reason why the House should not reassume their powers, and return as soon as possible to the exercise of their own functions. Every friend to the Constitution, he conceived, must feel with him upon the subject, and as the persons who originally asked for the act, confessed themselves at the time, to be conscious that they were unavoidably obliged to desire what was obviously unconstitutional, he saw no reason why they should not be as anxious as himself to do that regularly by act of Parliament, which had hitherto been done irregularly by proclamation of the King in Council.

Mr. *Grenville* contended, that the passing an act from year to year, equally spoke the sense and caution of that House, and of the Administration, upon the subject; and while America remained in the present unsettled state, it did not appear to him that the matter could, with any sort of public convenience, be better regulated. The conduct of the Privy Council was amenable to Parliament, and therefore he saw not any danger to the Constitution from the business continuing another year in their hands.

Mr. *Dempster* answered, that annual acts were no novelty. Why not, therefore, put the intercourse between Great Britain and the West-India Islands, under the authority of an act of Parliament? As to the United States of America, he had no objection to the matter respecting them remaining in the hands of the Privy Council, till the government of the United States was settled; but he could not help being of opinion, that the sooner the House returned to the ancient practice, and the less they trusted to the discretion of the executive government, the better.

The question was put and agreed to.

The House adjourned.

Monday,

Thursday, 15th March.

Mr. Beau-
foy.

Mr. *Beaufoy* gave notice, that he should, on this day fortnight, move for leave to bring in a bill to repeal such part of those acts of parliament commonly called the Test and Corporation acts, as require the sacrament to be administered to all persons presented to certain civil offices.

The order of the day being read,

The House resolved itself into a Committee of the whole House, to consider farther of the several articles of charge of high crimes and misdemeanors against Warren Hastings, Esq. late Governor General of Bengal, and

Mr. St. John took the Chair.

Sir James
Erskine.

Sir *James Erskine* now rose, and said, that previous to the opening of the articles of charge against Mr. Hastings, on the subject of salaries and contracts, he must beg leave to premise to the Committee, that the matters which he should take the liberty of submitting to their most serious consideration would probably prove dry and unentertaining; yet he hoped that their intrinsic importance would palliate that defect, and entitle them to a full and deliberate investigation. He had not the task, assigned to persons of so much greater ability than himself, to paint the condition of desolated provinces, of princes driven into exile, or abandoned to the tyranny of others; of princesses stripped of their possessions, and oppressed by that government, which owed them protection: but it was his object to describe the miseries of an internal government, of a dissipation of revenue, of a breach of orders, and of the grossest corruption. It was reserved for him to explain how this bad management of affairs produced those very distresses, the remedying of which was pleaded as the cause and the excuse for all the enormities, of which the person now accused had been before convicted.

Adverting to the first article of charge, Sir James *Erskine* now mentioned the contract given to Alexander Johnson, for providing bullocks for the use of the army. The Court of Directors, he said, had laid down as a fundamental regulation, that all contracts should be publicly advertised, and the most reasonable terms accepted; that these contracts should be given from year to year; and that at the expiration of every year advertisements should be issued for new proposals. But in direct disobedience of these orders, Mr. Johnson had, in 1777, the contract given to him for three years, and so far from being concluded on the most reasonable terms, the expences were increased to an enormous amount. Thus seven drivers were allowed to every twelve bullocks; and though Mr. Hastings pleaded the requisition of Sir Eyre Coote for the augmentation, yet the number of
bullocks,

bullocks charged for were 2,626 more than he demanded, and the difference between the expenditure on that and former contracts no less than 62,400*l.* This increase of expence to the Company was made principally by an accumulation of salary to the contractor to the amount of 46,800*l.* per annum. And this was justified by Mr. Hastings on the authority of a late member of that House, who was now no more, (Sir George Wombwell). This gentleman had declared, that the public service was injured by too narrow a spirit of treating with contractors—but this was poor authority in such a case, for it could not be expected, that so great a contractor as he had been, would do otherwise than approve a rich contract. In addition to the 46,800*l.* which he had just before stated as the increase of annual emolument to Mr. Alexander Johnson, Mr. Crofts, who was in partnership with him, had the grant of a victualling contract, which was worth three thousand two hundred pounds, and which made the whole amount an additional douceur of 50,000*l.* per annum. In October this money had been squeezed from Cheit Sing, and Mr. Hastings, who assigned for the necessity of that extortion, the distresses of the Company, found in April no better method of relieving those distresses, than by applying the money to the enriching of a person, who, as he meant afterwards to prove, was the agent of his corrupt practices, and the confidant of transactions which would not bear the light.

The next article of charge on this subject, was a contract granted to George Templer for three, and afterwards extended to five years, in defiance of orders, which were said to be plain and unequivocal. This was not only made for a longer term than the rule laid down by the Directors specified, but with another proposal actually before the Board, nearly 30*l.* per cent. lower. By this contract, which was for feeding the elephants of the army, the Company were considerable losers.

Sir James now animadverted upon the agency given to Mr. Bellie. This was for supplying the garrison at Fort William with military stores, and was granted at 30*l.* per cent. allowance on the prime cost of the stores. Three merchants had been consulted at Calcutta, respecting what allowance might be sufficient; and they had unanimously reported it as their opinion, that 20*l.* per cent. would be equivalent to the service, thus including twelve for wastage, five for his trouble, and three for servants and coolies. But Mr. Hastings had declared that a loss would accrue of 45*l.* per cent. and therefore that 20*l.* would not be sufficient, but that he should allow him thirty pounds: and thus it was that for stores purchased with money advanced by the Company,

pany, this agent was to have ten per cent. more than was declared sufficient by a committee of merchants. Mr. Hastings had said, that he preferred an agency to a contract, because if it were to be performed by contract, it must then be advertized, and it would become a matter of public notoriety what provision was made for the defence of the fort; yet, in defiance of this principle, he in two years after converted it into a contract, without advertizing for proposals, and fixed it for the term of five years; Mr. Bellie having remonstrated that the indefinite terms of his agency had proved a loss to him, notwithstanding that he had drawn 10,000*l.* out of 35,000*l.* expended, besides the difference between the wholesale and retail price, which might amount to between two and three thousand more. Among other instances of profusion in this contract, he stated, that out of a hundred and three rupees expended on account of the Company, ninety-nine were charged for agency, wastage, and other contingencies. He next considered the application of this expenditure; and maintained, that a supply of warlike stores of a perishable nature at Fort William was much of the same use, as it would be at the Tower of London! He was apprehensive, that if those scandalous and enormous transactions were suffered to pass without censure, it might be erected into a precedent, which would warrant the placing of navy victuallers and agents in every sea-port throughout the kingdom. It was manifestly a job of the most corrupt nature; for what could be a stronger instance of corruption, than lavishing the revenues of the Company on one, with whom Mr. Hastings had so intimate a connection? He could not surely plead his poverty, which had been spoken of in a manner calculated to excite the ridicule of the House, as an excuse for all these deviations from the disinterested conduct which became a Governor. His disinterestedness had indeed been boasted of; but he feared it was like that of father Dominic; and that when a gift, from its magnitude, could not be any longer concealed, it would be found, though he had not openly taken the bribe, yet that he had some snug pocket or bag, into which it might be slipped without difficulty. In his present state of poverty, he might be compared to the Grand Almoner of India, begging charitable donations from all the native Princes, to fill the coffers of his masters, and, like other almoners, brought disgrace on his master.

The next contract which he should beg leave to submit to the consideration of the Committee, was one concluded in 1777, for an armed vessel to be maintained for the pilotage of Chittigong river, and for the defence of the coast: this service could not be executed without the greatest detriment,

triment, and perhaps the total ruin of the contractor; and therefore he was placed in a situation to be tempted by motives of private interest to neglect his duty. The farming the defence of a river was, he contended, wholly unprecedented, and calculated only to enrich the contractor at the expence of the India Company. Mr. Hastings had, in his defence on this charge, urged that the contract was made justly and œconomically: now this was precisely what was most to be dreaded; that the œconomy of the contractor should prevent him from discharging the service which he had undertaken to perform.

Sir James now proceeded to a review of the contract granted to the Surgeon General, which (he said) was made in direct opposition not only to the principle with respect to the duration of contracts, but also to a particular order of the Court of Directors. To make a surgeon a contractor, and that for the medicines and diet which he was to provide for the patients under his hands—to farm out the care of men's lives was, surely, an unprecedented and a most dangerous abuse, besides being an infringement of the positive orders given by the Directors; but these were utterly despised by Mr. Hastings: he remained in his government, unawed by any apprehensions of future inquiry, *damnatus iniquo judicio*, and appealing from the mandates of his employers to the superior authority of his own discretion.

The next article was the Poolbundy contract, granted to Archibald Frazer, Esq. in 1778, for the repairs of pools and banks in the province of Burdwan for two years, at the rate of 120,000 sicca rupees for the first year, and 80,000 for the second year: this, besides the irregularity which it had in common with the other contracts, of being made at first for two years, and afterwards extended for three more, in opposition to the regulation of the Directors, was clogged with the farther stipulation, that Mr. Frazer was permitted to make *dobunds* or additional repairs at the charge of the Company; these *dobunds*, he understood, were banks placed behind the old ones, as a farther reinforcement in case of weakness. Now he submitted to the Committee, whether this permission of making *dobunds* at discretion, and charging the government with the expence, would not be a temptation to a man of an interested turn of mind to let the old banks want repair, that he might derive advantage from the making of new ones? Here was a double prospect of advantage, which every man was not capable of resisting. This very service, for which such large emoluments were granted to Mr. Frazer, had been before executed for 25,000 rupees per annum by the Rajah of the district: but the ad-

ditions to Mr. Frazer's contract it was difficult to account for. He was the near relation of Sir Elijah Impey; the spotless gentleman who dispatched affidavits to England for the innocent purpose of clearing himself from the stigma of taking a mercenary share in the contract holden by his close ally, Mr. Frazer: probably these affidavits were the first efforts of Sir Elijah's muse; his pastoral essays; his songs in *ripas et flumina*, previously to his rushing forward into the field of epic attestations, and singing the *prælia et reges*; the wars in Benares, and the rebellion in Oude! Sir Elijah indeed wrote many letters, and sent frequent instructions to his relation on this subject; and these indeed were far from being unnecessary; for having declared Mr. Frazer unfit to fill the office of a coroner, he had devoted him to the office of an engineer. Expatiating next upon the nature of Mr. Auriol's agency for the supply of fort St. George, Bombay, and St. Helena with rice and other articles, Sir James observed, that a lucrative bargain was granted to this gentleman by the Governor General on these particulars at a time when the Company were in the utmost distress for money, and every department in arrear. By the terms of it he was allowed 15 per cent. on the whole of his disbursements, and therefore became interested to make them as large as possible. The consequence was, that at Bombay the presidency complained of being charged with nine rupees a bag for rice, at a time when they could themselves have contracted for its delivery at five rupees and three sixteenths per bag; and that even at Madras, where the distress was greatest, those who had private supplies, got it at 10 per cent. less than that supplied from the agent's stores.—This lucrative bargain, at the expence of an impoverished Public, was said to be granted in consequence of his long and faithful services. But was this a method to reward a man for services, by an agency, which in one year, his commission being charged, not only on the prime cost of the rice, but on the freight and all other particulars, would amount to 26,800 pounds; or at least, as Mr. Auriol himself acknowledged, to more than 18,000 pounds.—But of these expenditures it appeared, by the papers which were produced, that no vouchers were required to be given, but upon honour; and he did not wonder, that on such terms Mr. Auriol offered to supply the rest of the Company's settlements in India.—The passing of accounts upon honour was peculiar to India; as indeed honour there was of a peculiar nature; it dreaded the production of proof, had a great abhorrence to being confronted with truth, and shrunk, like the sensitive plant, from the touch of curiosity!

Sir James now proceeded to a consideration of the revenues

nues and civil establishments: the civil establishment alone, exclusive of all the military expences, had increased from 1776 to 1785, the period of the government of Mr. Hastings, no less than 633,000 pounds per annum; nor was the want of wisdom in his arrangements inferior to that of economy. The president of the board of revenue had only 10,000 pounds, while an inferior member had 18,000 pounds a year. Mr. Anderson, who was first member of the board of revenue erected by Mr. Hastings, had his salary without being obliged to do any duties of the office; but was appointed ambassador to Madagee Scindia, with an increase to his salary of 4280 pounds. Indeed the salaries and the duties were generally distinct, and he could consider this appointment of Mr. Anderson in no other light than he would the nomination of one of our ministers to a foreign embassy, at the same time he was to have the salary and emoluments attached to the office of the first Lord of the Treasury.

Sir James next investigated the augmentation of Sir Eyre Coote's salary; and to this he requested the serious attention of the Committee, as the most flagrant instance of the contempt of authority and violation of orders that any man commissioned to act for others could be capable of. The Court of Directors had given the most positive injunctions, that the salary of the commander in chief should not exceed 6,000 pounds per ann. notwithstanding which Mr. Hastings, by his own authority, and contrary to the intention of his employers, made an addition to it of 18,000 pounds a year, besides the 10,000 pounds which were his due as a member of the supreme council. No sooner had the Court of Directors heard of this extraordinary allowance than they wrote to reprimand Mr. Hastings for his disobedience, and to order, in the most peremptory manner, that it should immediately be discontinued. Mr. Hastings paid no attention to this second intimation of the Directors, which produced a third order; and this third was equally disregarded with the two former: all that Mr. Hastings did, was, to charge the extraordinary allowance he thought proper to grant to Sir Eyre Coote to the Nabob Vizier of Oude, by which he added an infraction of treaties, and an illegal extortion from a prince in alliance with the Company, to his disobedience of orders. As to the defence made by Mr. Hastings on this head, it was an aggravation of the charge; it was a wretched subterfuge to plead that he could not bear the inhuman thought of taking from Sir Eyre Coote his salary, when he was reduced to the greatest imbecility from the hardships which he had suffered in the service; for the commander in chief had remarked concerning himself, that "he had one foot in the grave, and the other on the

"side of it." It was a libel on the memory of that gallant officer to insinuate, as he had done, that he would not have marched into the Carnatic, and discharged his duty to the Company cheerfully, without that great augmentation of his income. His profusion also, and his arbitrary assumption of authority, were no less conspicuous in the continuation of the allowance of 13,000 pounds per ann. to General Stibbert, after he was superseded in his command by Sir Eyre Coote's arrival; that allowance being granted to him only while he had the command of the army.

Sir James now took up the last article of the charges in its relation to the opium contract: this was granted, like others, in opposition to the fundamental rules of the government. Mr. Hastings gave the contract in 1777 to John Mackenzie for three years, without advertising for proposals, and contrary to the orders of the Court of Directors, that the monopoly of that article should be left to the Board of Trade. This transaction was condemned by the Directors, though a clause was inserted, by which it was left open to the Directors to annul the contract at the expiration of the first or second year: Mr. Hastings entered into a justification of what he thought might be speciously defended, and the rest he wholly omitted. Thus, he acknowledged having granted the contract to Mr. Mackenzie, but contended that it was not, and could not be, for any corrupt end: that gentleman, he had urged, was not among the number of his friends, and therefore it could not be his intention to serve him at the expence of the Company; but perhaps he might be permitted to hint to Mr. Hastings, that it may as well suit the purposes of corruption to buy off an enemy as to engage a friend. He next entered into a discussion of Mr. Hastings' defence on the opium contract granted to Mr. Sullivan: he argued, that if the other was censurable, this was infinitely more so; the circumstances in both were not the same; as in the latter instance, the contract was granted for a longer term without any proposals whatever in writing, and without the same reservation in favour of the Directors. Sir James Erskine went minutely into a view of all the circumstances of aggravation in this last proceeding; and particularly instanced the sale of it for 52,000 pounds, as a proof that it was granted on the most corrupt and venal principle. At length, recapitulating all his former ground of argument, and dwelling upon the magnitude and importance of the charge, which called for the most serious interposition of government, he concluded by alledging that it would not be imagined on this occasion, that the merits of the Governor General were such as should be pleaded in extenuation, or in direct opposition to the charge.

charge. He trusted that he had said enough to prove the contrary. It could not indeed be denied, that some of those periods in which the contracts had been made, were times of difficulty and embarrassment; but those distresses and embarrassments were of his own creating. To excuse a criminal for extricating himself out of difficulties he was led into by profligacy and corruption, was a principle in which a minister of this country could never be justified, and which could not be applied with advantage in the present business. He went over the different estimates of the losses sustained by the Public in consequence of Mr. Hastings' profusion, which he stated, for a period of years, to amount to 550,000 pounds in the extravagance of contracts, and an annual loss of 600,000 pounds in the increase on the establishment. He begged the Committee earnestly to consider the dangerous designs with which he had so lavished the money of the Company, whilst he was increasing his own influence both here and in the Indies, and having at the same time a spirit bold enough to execute the most violent and unjustifiable excesses, and an extraordinary impudence in attempting to defend them.—He seriously appealed to those members who were proprietors of East-India stock, not to omit this opportunity of revenging themselves for many injuries they had so constantly and uniformly sustained; he implored the Directors to rescue themselves from the disgraceful charge which so long was attached to them, of a base and servile acquiescence in the power and influence of a man so justly signalized for his cruelty and oppression. He implored every member generally, who felt for the honour, dignity, and justice of the House of Commons, to assert it in this instance; and having before their eyes the most incontestible proofs of internal profusion and profligacy, they would not suffer him to go up to the House of Lords and alledge as merits and services, actions which were so clearly and so evidently demonstrated to be crimes and misdemeanors: they had already convicted him of such offences as must infallibly bring him before the superior and ultimate tribunal of the House of Lords. The allegations indeed of the former charges were of the deepest species of guilt; and the House, in their votes upon the several preceding delinquencies charged against Mr. Hastings, he was willing to own, had rescued their country from a pressure of odium; but if they suffered him to escape, on all or any of the charges this night moved against him, they would fall short of their object, and have "scotched the snake, not killed it!" He then moved, "That this Committee having taken the said charges into consideration, and heard "evidence thereon, were of opinion that they contained

" sufficient

“ sufficient matter to impeach Warren Hastings, Esq. of
“ high crimes and misdemeanors *.”

Mr. Chan-
cellor Pitt.

Mr. Chancellor *Pitt* observed, that he rose thus early in the debate, in hopes that what he had to suggest might prove the means of bringing the question to a more narrow and determinate point, and consequently of shortening in some degree the debate upon its nature. He believed the chief object of those who brought forward the prosecution was to confine and limit it to such facts as should not only be of evident criminality, and capable of substantial proof, when brought before the final tribunal, but also such as were of a description and magnitude sufficient to warrant that departure from the uniform and general practice of jurisprudence in this country, which was intended on the present occasion. In this view he had considered the charge just opened by the honourable Baronet, and had divided it into three distinct parts; the first relating to the extravagant terms of the contracts, and the violation of the orders from the Company in making them; the second referring to the increased salary of Sir Eyre Coote, and the saddling a Prince, an ally of the Company, with the payment of that salary; and the third, the unwarrantable excess of the civil expenditure in his administration. With regard to the contracts, there were some of them in themselves so insignificant as not to be entitled to any discussion whatsoever in Parliament, with a view to impeachment; and others were so circumstanced in point of time, as to be extremely unfit to be made a ground of criminal charge against Mr. Hastings. On this head, he called the attention of the Committee to the situation Mr. Hastings had been in, at and since the time when the chief part of the contracts had come first under the consideration of the Directors, and had, it was true, been censured by them. After that censure, they had become objects of parliamentary inquiry. And what had been the result of that inquiry? With respect to Mr. Hastings, they had not at all operated to his prejudice; for, subsequent to these inquiries, he had been thought worthy of repeated parliamentary appointments to his situation in India. How then would it appear, if Parliament, after having examined the grounds of the charge against Mr. Hastings, and notwithstanding such examination, having appointed him expressly, and by name, to a very high and confidential station, should afterwards, with-

* The account of this debate must have been drawn out into a length extremely adverse to our purpose of introducing as much interesting variety of matter into a number as possible, had we swelled this speech with passages from the Charges, to which, as they are published by Mr. Debrett, the reader can at any time refer.

out any new documents against him, make those very articles the subject of a criminal charge, which before they had not considered even as a disqualification to a renewal of a great and important trust. Still he said, that out of the several contracts stated by the honourable Baronet, some were an exception to the rule which he had laid down, and which, though completed previous to those parliamentary appointments of Mr. Hastings, were yet so circumstanced as to be completely exempt from the reason he had given why the others should not now be considered as grounds of charge against him. Mr. Pitt now went over the several contracts, one by one, pointing out, either from their dates previous to Mr. Hastings' being appointed or re-appointed by act of Parliament to the Government Generalship of Bengal, or from their more immediate intrinsic qualities, as their inconsiderableness, their propriety, or their necessity, either that they were not criminal at all, or, if so, were not criminal in a degree sufficient to warrant a proceeding by impeachment, or else that there had intervened, since the time in which they took place, such circumstances as amounted to a trial, and either an acquittal or a pardon of Mr. Hastings. In this case, he mentioned the first bullock contract stated in the charge, which he observed was, even if admitted to its full extent, not of sufficient importance to merit any discussion, and was, besides, completed a long while before Mr. Hastings' re-appointment, the whole of the circumstances being at the time of such re-appointment sufficiently known, so that it clearly came under the distinction with respect to date. The marine contract, and that for embanking the river of Chittigong, were also within the same description in point of dates, in themselves so trifling, that he was sure the gentlemen who brought forward the charge did not wish to rest the issue of their inquiry on such objects. He should therefore content himself with observing, that he by no means looked upon them as fit articles to compose a charge for an impeachment; but on that for embanking the river, he should contend, that there was by no means any ground for those collateral conclusions which the honourable Baronet had drawn; nor were the circumstances and facts relative to that transaction exactly correspondent to the statement made of them by the honourable Baronet. In the first place, the honourable Baronet had stated that the accounts of the expence of that work were sworn to by Mr. Frazer, the contractor, although he was not personally acquainted with the state of them; whereas the fact was, (and he referred to the express documents) that the proper affidavits had been made by persons who had the immediate superintendence and inspection of those departments to which their affidavits went.

The

The honourable Baronet had also dwelt much on the idea that this contract for the repairing the banks had been a corrupt job of Sir Elijah Impey's for the purpose of gratifying his friend Mr. Frazer, and had stated, as an evidence of this guilt, that he and Mr. Hastings had come forward with a voluntary justification before any charge had been made against them. Whether they were guilty or not, he should not at present attempt to argue, but would remind the honourable Baronet, that on the occasion of that contract being entered into, an honourable gentleman who sat opposite to him, and who was then a member of the Council of Bengal, had thought proper to write home to the Directors his ideas on the subject, and had in his letter made the charge now alluded to in the strongest terms against Sir Elijah Impey, imputing to him the procuring, and to Mr. Hastings for granting the contract in question, the most corrupt and unjustifiable motives. In order then to confute this accusation, but not merely voluntarily, as had been stated by the honourable Baronet, Mr. Frazer made an affidavit, stating, "that he had first conceived the idea of undertaking this business—had consulted his friends upon it, and after having, by their advice, and his own consideration, determined upon undertaking it, he had applied to Sir Elijah Impey, as his patron, for his consent that he should send in a proposal for it to the Council."—He therefore cautioned the Committee how they suffered themselves to be swayed by the interpretation of this transaction, into an evidence of guilt, and put it to them to determine whether the charge made against them was not sufficient to stimulate them to take steps for their own justification, without affording any presumption that those steps, and the anxiety they felt on the occasion proceeded, as had been insinuated, from a consciousness of guilt. He next adverted to the elephant contract, and here he observed, that although the Company very properly sent out positive instructions to their servants, yet those instructions, coming from persons totally unacquainted with the immediate circumstances of affairs in that country, were to be construed liberally, and a latitude allowed to those who were to act under them, to accommodate them to such accidental situations, and considerations as might occur, at the moment, and on the spot. Were this not to be done, the worst consequences might happen by a blind observance of instructions, framed in ignorance of the real state of the service, and calculated for circumstances and situations which no longer existed. He certainly admitted that it was right and proper on almost every occasion, to give notice of all contracts whatsoever, that so those who made them might have the choice of a number of proposals, and be able to close

with that which was most advantageous; but, still, to this rule there might be an exception; and as to the time of the duration of contracts, be contended, that although many contracts might, with safety and prudence, be entered into for a year, yet there were others, which, from their nature, could not be undertaken with any sort of prudence or propriety for so short a time. For instance, when the commodity to be contracted for required a great capital, and much preparation, an extensive credit and correspondence, where it was of a perishable nature, or of such as if it lay upon hands after the determination of the contract, could not find an easy or advantageous sale, in such cases as this, it would be by no means advisable to enter into contracts for a very short period of time; for such contracts must unavoidably be attended with great want of œconomy.—Mr. Hastings had fairly come to issue on that principle, where in his defence he had stated, that, “according to his construction of “the Company’s orders, they never were nor could be “meant in any instance to leave their administration in India “without an option. At such a distance from the Parent “State, the government on the spot must be vested with “a discretionary power; but where positive orders were sent, “when those orders were disobeyed, and the reasons assigned for such disobedience were not satisfactory, censure or “punishment invariably ought to follow.” On this principle, (Mr. Pitt added) he should wish to consider the several parts of the present charge. With regard then to the contract for elephants, he observed, that although there might possibly have been some profusion in that, and in all the other mentioned contracts, and he by no means meant to enter into that discussion, with respect to any of the articles which he wished to exclude from the charge, (their degree, and the period in which they took place, being what he was chiefly governed by) yet there was no proof whatsoever that such profusion existed in the present instance. Although the honourable Baronet had stated the former price for the keeping of elephants, at forty rupees each, and that agreed for by Mr. Hastings at seventy, and had from thence inferred, that there was a squandering of thirty rupees for each, yet that statement was by no means to be taken literally, as, in fact, there was not only the difference so stated in the charge for the service, but also another very material difference in the service itself. When the price was at forty rupees, it was only for the bare maintenance of the elephant; but, when it was raised to seventy, it was for the animal itself, as well as for his keeping; for, in the last instance, the contractor was to find the elephants himself. The honourable Baronet had dwelt much on the circumstance of the elephants at

that time in the possession of the Company being given up to the contractor; but besides that, the number of those was exceedingly small, (only thirteen out of seventy) in comparison with the number to be kept up, it was, were the proportion otherwise, a very prudent policy to transfer the actual property in the animals to the person who was to have the management and care of them. But it had been stated, that the double contract, both for the elephants and their keeping, might have been made for forty rupees a piece, and that a proposal to that effect had been delivered in and rejected. This fact was only substantiated by a letter from General Clavering to the Court of Directors, complaining of the exorbitancy of the terms agreed upon with Mr. Temple, and stating that there was a person who would have contracted for the whole service on the terms alluded to. But, with every degree of respect for General Clavering's memory, he could not consider such evidence as sufficient to warrant that House to act upon it. There appeared no such proposal on the face of the consultations, and if such a proposal had been formally made, it did not appear upon what ground it had been rejected. It might possibly have been asked, what capital was the person making the proposal possessed of? What credit was he in? What security could he give for the performance of his engagement, should his terms be complied with? All these questions might have been asked, and if no satisfactory answer had been given them, it would, so far from being criminal to reject them, have been highly culpable to have embraced them. There was besides a circumstance attending this contract, which evidently shewed it to be free from that degree of criminality which was imputed to it. This was, that the honourable gentleman opposite to him (Mr. Francis) had been present at the consultations in which it had been concluded upon, and, instead of coinciding with General Clavering, had joined in opinion with Mr. Hastings. On this part of the charge, therefore, he was by no means inclined to impute any degree of guilt whatsoever to Mr. Hastings. With respect to the second bullock contract in 1779, he was however of a very different opinion, as that was evidently made upon a most extravagant scale. The usual rate for the keeping of those cattle had been, for no one apparent reason whatsoever, unconscionably increased. It had been increased in several different ways, by changing the denomination of the rupees from the lower to the higher denomination, and by abolishing a distinction which had hitherto taken place between the service within the provinces and without the provinces, and another distinction between the times of actual employment and of idleness. To the terms of this contract there had been a very strenuous

strenuous opposition in the Council, and the members had entered their reasons at length, and very satisfactorily, for their disapprobation; and to those reasons no answer had been given by Mr. Hastings, but he had simply contented himself with declaring, that he had very justifiable and sufficient motives for opposing the wishes of his Council, which at that particular period he was not prepared to state. The executive government at home, and the Directors of the India Company, had given him credit for this assertion; and so doing, the circumstance, open as it was thus conceived to justification, was not counted of consequence enough to prevent his subsequent re-appointment. But that re-appointment having taken place while yet it was supposed that Mr. Hastings might have the means of justification, by stating his reasons so promised in his hands, and therefore the whole of his guilt, to whatever extent it might exist, not having been before the House, it could not be implied that that House had acquitted him of it. Had any reasons been since offered, he should think those ought now to be fully weighed, before any determination should be come to by the House on the subject; but, as none had been assigned, the naked fact of the contract, impeached as it was by the reasons assigned in opposition to it, and unsupported by the promised vindication, was evidently highly censurable, and, as such, called loudly for the animadversion of the House. On that ground, therefore, among others, which he should state before he sat down, he should, in part at least, vote with the honourable Baronet on the present occasion.

As to the Contract for supplying Fort William with the necessary stores and provisions in case it should be besieged, he entertained a very different opinion. The gentleman who, in the Council, had opposed that measure, had given as his reason, an argument drawn from an analogy to the service in Europe, by stating that he knew of no garrison belonging to His Majesty in this quarter of the world which it was thought necessary to keep in a state of preparation for a siege in point of victualling, except Gibraltar. In this exception, that gentleman had unfortunately fallen upon an example the most in point against himself which was possible for him to select. Fort William was in Asia, as Gibraltar in Europe; the very place, which, of all others, from its situation and its uncommon value, would be the most liable to an attack from an enemy. Mr. Pitt ridiculed the idea thrown out by Sir James Erskine, that the supplying Fort William with stores against a siege was an instance of a parallel absurdity, with the keeping the Tower of London in a constant state of preparation—and he recommended it to the honourable Baronet to appeal to an honourable gentleman beside him (Mr. Francis) to learn what

was the state of his mind, on that occasion. He would, then find, that in that honourable gentleman's opinion, the idea of an attack on Fort William was not quite so visionary as a siege of the Tower of London. That honourable gentleman had expressed the most violent fears, and was warm in his remonstrances to have it properly supplied for such an event; nay, when Mr. Hastings proposed to relieve the Carnatic, when threatened with a most alarming approach of famine, so quick were that honourable gentleman's apprehensions for Fort William, that he opposed the sending of provisions to Madras, lest, by so doing, Fort William, should be left unprotected for the impending danger of a siege. Mr. Pitt, now proceeded to discuss that part of the charge which related to Mr. Auriol's contract for the supply of the settlements on the Carnatic. The circumstances of that transaction were, he said, of such a nature as merited the most liberal and indulgent disposition in judging of them, as they formed the most brilliant epoch of Mr. Hastings' administration.—Mr. Hastings, having been apprized of the dreadful state of Madras and its dependencies, of the imminent and immediate danger which they were in of being absolutely destroyed by famine, with a promptitude, a celerity, and an effect which did him the highest honour, and was of the most beneficial consequence to all our Indian possessions, determined upon their relief.—What, then, would the honourable Baronet, and they who supported the charge, have wished Mr. Hastings to do? Would they direct him, at the moment when the very existence of the Carnatic was at stake, when the lives of his countrymen, and the possessions of his employers depended on his spirit and dispatch, to hesitate to send them the means of preservation, until he should discover the cheapest method by which those means were to be procured? Was he to publish to the enemies of the Company, and of Great Britain, that a most valuable part of our territory was likely to be a prey to famine, and to point out the means of intercepting the supplies which he was about to send them? No, the very nature of the case imposed upon him the necessity of violating the strict line of obedience to the Company's orders; and the only questions remaining were those which had been so much dwelt upon by the honourable Baronet. As to the question how far Mr. Auriol was a fit person to be employed in the agency? And whether the profits which he had been allowed were exorbitant? In the first place, he must confess, that although a deserving person, and one who had conducted himself in a confidential situation, as Mr. Auriol had done under Mr. Hastings in such a manner as to give perfect satisfaction, might appear entitled to some signal reward, yet he, by no means, thought it an eligible thing to confer upon such a person such a reward

as that which had been bestowed on Mr. Auriol by this contract. Still, however, the bestowing it upon him had no appearance of corruption—for, at all events, the agency must have been given to some person, and to whomsoever it was given, it must have been beneficial.—Mr. Pitt then pointed out the proportional profits arising to Mr. Auriol, and argued that they were by no means such as they were stated by the honourable Baronet; nor, considering the circumstances of the case, and comparing them to other analogous services, at all exorbitant. Mr. Auriol's difficulties in the execution of the agency were extremely great—he laboured under a heavy interest for a great part of his capital, ran great risk from the vicinity of an enemy's fleet on the coast, and in consequence of that circumstance, the expence of freight, was prodigiously increased. He compared the profits of Mr. Auriol, under all those circumstances of difficulty, with the profits of a subsequent contractor for the same article, when no such circumstances existed, and shewed that those of Mr. Auriol bore only a proportion to those of the other person, of about seven and three quarters, to six and a half. He put this to the gentlemen on the other side, whether it was a transaction of such a nature, under all its circumstances, as could bear that completion of guilt which they imputed to it. The honourable Baronet had stated, that, notwithstanding the Company had sent out orders for a very considerable reduction to be made in the rate of agency allowed to Mr. Auriol, yet, that reduction had only taken place on the bare article of freight. In the way the honourable Baronet had represented this circumstance, doubtless the reduction so made must appear to the Committee as a mere trifle, but when he stated the real fact, he believed gentlemen would see it in a very different point of view. The real fact then was, that the rice was, at that time, sold for two rupees per bag, whereas the freight to Madras was five rupees, so that the reduction went to five parts out of seven of the whole undertaking, and, therefore could by no means be considered in that trifling and insignificant light in which it was attempted to be shewn by the honourable Baronet. On this ground, he should, for the several reasons which he had stated, the necessity, and even the merit of the measure itself, the apparent reasonableness of the terms on which it was executed, and the insignificance of the transgression (if any did actually exist) withhold his consent to the motion in its present shape, as it involved this transaction, in itself by no means criminal, with others which were (as he considered them) highly reprehensible.

On the subject of the opium contracts, he in a great measure agreed with the honourable Baronet. For, though he did not consider the first of those contracts as censureable at present,

sent, as (if improper at all) coming under the description of those transactions, which, from the time in which they happened, and the circumstances which had since taken place, ought to be put entirely out of the question in the present proceeding. He then entered into a discussion of certain suggestions which had fallen from Sir James Erskine, as if this contract had been given by Mr. Hastings to Mr. Mackenzie, in order to conciliate to his interest a noble Earl to whom Mr. Mackenzie was related, and contended that no reflection could be cast on the character of that noble person from those suggestions. He then examined the second opium contract, in which (he said) evident circumstances of criminality were implicated. His having it on terms immediately repugnant to the orders of his masters, and that to a person connected and allied as Mr. Sullivan was, became a most palpable ground for suspicion of corruption. But, as to the blame imputed to Mr. Hastings on the subject of the trade of opium with China, he by no means saw it in that criminal point of view; nor would he take upon himself to say, but that such a trade was highly beneficial and proper to be carried on at the suit of the Company. On this head, he should also be willing to vote the charge, provided it could be so done as not to involve along with it other circumstances that he thought by no means proper subjects for an impeachment.

Having thus, he said, gone through the first of the general heads into which he had divided the question, that which related to contracts made by Mr. Hastings—he came to consider that which appeared to him of the most prominent magnitude of any other part of the subject, which was, the increased salary given by him to Sir Eyre Coote, in avowed and unqualified disobedience of the Company's orders, and the imposing the payment of that additional salary on a Prince closely connected with the Company, and who already paid to the Bengal government a fixed and stipulated tribute, which was a gross and manifest violation of the faith of the Company, and a perversion of the power entrusted to him in his office. His continuing this salary in an underhand and covert manner, after a particular prohibition from the Directors, was an ignominious and disgraceful evasion of his duty, and one which highly merited the censure of Parliament; and that part of the charge should consequently have his most hearty concurrence.

As to the other branch of the question, relating to the profusion of the civil expenditure, that was a subject which, circumstanced as it was, he should by no means consent to make any part of a criminal charge. How had the crime imputed on this head to Mr. Hastings been attempted to be substantiated? First, by comparing the amount of the establishment under

under Mr. Hastings' administration with what it had been before, and from the excess and increase, assuming a conclusion of guilt and dissipation—but was this a fair way of considering it? The honourable Baronet had stated the increase to be from 227,200*l.* to near 900,000*l.*—After disputing in some degree the accuracy of this statement, he represented to the Committee that he should not attempt fully to acquit Mr. Hastings of the charge of profusion, yet he could by no means be satisfied with such an evidence of his guilt as arose from a comparative view, proposed as a criterion by the honourable Baronet; for, independently of the very great increase of revenue, which would always be attended with an increase in the expence of collecting it—there had been several new establishments instituted. Among others, he stated the establishment of the Supreme Court of Judicature, the establishments of the provincial Courts of Justice, and many other new establishments which must necessarily very much add to the gross amount of the civil expenditure.

Under this head, great stress had been laid on the increase of the expence attending the Salt Office; but let gentlemen consider, that in the period of that progressive increase, the revenue on salt itself had experienced a still greater proportional increase, inasmuch that the expence of collection was now greater than the whole produce had formerly been; namely, seventy thousand pounds, whereas the produce used to be but sixty thousand pounds. But, at the present period, the amount of that revenue was upwards of 600,000*l.*

Nor was the other criterion set up by the honourable Baronet a fairer method of judging on the system of œconomy, which Mr. Hastings had adopted—namely the great reduction which had taken place since his departure in the expences of the Indian government. Those reductions were in consequence of plans sent from home, which by laying strong restraints on the executive government there, had relieved it in a great degree from that almost irresistible importunity, to the increasing of expence, which till lately, it had always had to contend against; but, was it to be imputed to Mr. Hastings as a crime that a way had lately been discovered to correct the abuses which had manifestly existed in the government, but which the Directors had found themselves unable to do, though they often attempted it, and which could never have been effected, had it not been by the interposition of Parliament, and those salutary regulations which had been enacted for the better management of our concerns in India?—He was happy to find, that the effects of those regulations were such as answered his most sanguine expectations—and that among the many valuable consequences of the new system of superintendence, a great reduction of the expenditure had
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been one—and he flattered himself that there had been sufficient care taken in framing the lately enacted laws, that what had been so happily begun would be of long continuance, as the principle of those laws was such as must necessarily interest Parliament to a constant periodical and not barely formal examination and investigation of the affairs in India—And, as long as his right honourable and learned friend beside him (Mr. Dundas) continued to preside over that department, he trusted it would always wear such an aspect as Parliament could contemplate with pleasure and satisfaction. That right honourable gentleman would, on some future day, state to the House that which he best knew, and which did him most honour—the real state of the present establishment in India. For the present question, he should only observe, that no specific act of profusion having been substantiated, but only imputed from a comparison with former and subsequent establishments, he did not consider such grounds sufficiently strong to warrant that House to include it in a matter of impeachment. This consideration led him to suggest to those who were the friends of the prosecution (and after what had already passed, there was none, whether with a view to the dignity of Parliament, or to the ends of public and substantial justice, that could have any wish but to forward it as soon as possible, and to bring it before the other House in the most unquestionable shape—to those gentlemen he wished to suggest) that it was by no means the best way to the end they had in view, to clog it with useless, unnecessary, and impracticable matter. To strip it of all such was the most advisable thing for the House to endeavour, and he wished the right honourable gentleman who had taken so active a part in the business, would, on some early day, ascertain and determine on such charge as he intended to bring forward, as there were many of those already before that House, that he was certain could never be made out in proof, or if they could, were not of sufficient criminality to excuse and warrant the present mode of proceeding. For the several reasons he had given in the course of his speech, he should propose an amendment to the motion, which, if it should be adopted by the House, would leave him at liberty to vote in support of the general question; his amendment was to add words of the following purport to the motion:—“In respect to the contract for Bullocks “ in the year 1779; that for opium in the year 1781; and to “ the increased salary of Sir Eyre Coote!”

Mr. Burke.

Mr. *Burke* declared that he had never heard a more business-like speech, nor a more masterly detail of facts with apter illustrations, more sound reasoning, or more pertinent remarks, than those of the honourable Baronet who opened the debate. They were a wonderful display of ability from so young

young a man. He begged leave, also to inform the right honourable gentleman (Mr. Pitt) that he considered his as amicable, and as such he deserved his best acknowledgements for them—It was certainly his object to bring matters to a conclusion as soon as possible, in consistency with the dignity and the sense of justice of the House—But, how this end was to be accomplished he was perfectly at a loss to determine. 'He knew not what matter in the different articles of the charges which he had brought forward, to retain, and what to reject. All of it appeared to him to be of much consequence—but what points were of more, and what of less importance, he could not easily decide; nor did he know whether on this subject he could safely trust to his own judgement. In fact, he resembled, in his present situation, a ship-master who was under the necessity of throwing some of the cargo over board.—But what articles he was to commit to the waves, and how he was to lighten the vessel, he was perfectly at a loss to determine—nay he was afraid to enter on this office, lest gentlemen should afterwards tell him, "you indeed at first furnished yourself with an excellent cargo—many of your materials were of the very best quality, but whilst you have retained trifles, the articles of greatest value you have indiscriminately thrown overboard and consigned them to the waves."—He was therefore fearful of beginning a business which might prove in the end so hurtful to that cause, which it was originally his concern, and had now become that of the Committee, to have brought to a proper issue. Nor did he see that there was any reason for delaying the carrying of the impeachment to the bar of the House of Peers, till such time as the Committee had gone through, and decided on each article of the charges. This had not been customary in conducting matters of this kind. In the case of Dr. Sacheverel, the very opposite mode of procedure had been adopted; and so strongly was this precedent in point, that no other cause could be assigned for the House adopting this line of conduct, than this very one that they seemed determined, by carrying up articles of impeachment, after articles of impeachment, to maintain a right which they had long been in possession of, and in that instance were resolved not to be abandoned. The charges on which the Committee had determined were great and interesting; but he asserted, that there were others of no less moment than those which had been brought forward; and to abandon those, would amount to an act of public injustice, and would be treachery to that cause in which they were now so laudably engaged.

With regard to the remarks which had been made by a right honourable gentleman (Mr. Pitt) on the variety of matter contained in the charge under deliberation; and which had

been laid open with such uncommon ability, by (Sir James Erskine) he could not entirely concur with him in opinion, nor could he think of allowing some of those points, which, agreeable to his amendment, he had wished to omit, to be entirely rejected. The points contained in the charge were multifarious—but notwithstanding their variety, they had one common object: That object was, to shew that Mr. Hastings' government had been prodigal and corrupt. It was to illustrate this feature in his administration, and to prove that he acted on system, and that that system was depraved, that he had brought forward so many examples. This had been his main concern; and to characterize the government of any person, it was absolutely necessary to take into the account a great variety of acts. In vindication of Mr. Hastings, it had been alledged, that he had not been criminated by those who were superior to him. But was this act a solid argument in his favour?—Could it with any decency be urged, that, because a person in office, who had suffered himself to be corrupted; who in that station in which he had been placed, had been guilty of peculation, and of various other misdemeanors, incompatible with the character of a man of confidence; and who, notwithstanding all these depravities, had escaped either the eye or the censure of his superiors—could it be urged that he was on this account to be vindicated, that he was on this account to be absolved from those crimes, which, owing to a fortunate revolution of affairs, had been brought to light, and were likely to become the objects of national justice? No—the plea was inadmissible. If any person employed by the right honourable gentleman (Mr. Pitt) were to betray the trust reposed in him, and after ten years had past away, if this misconduct were to be detected, would it form any apology in behalf of such a culprit, that he had escaped the censure of the right honourable gentleman under whom he had been engaged? Would this circumstance exculpate him in the eye of the House, or before the tribunal of Justice? It certainly would not. But, with respect to Mr. Hastings, the fact was, that he had not only corrupted India, but he had also corrupted the Court of Directors, who were his superiors. He had blinded their eyes, and this circumstance was a principal cause why his conduct had not been stigmatized by their marked disapprobation. But to assert, that on this account he was to be vindicated, was as absurd as to affirm, that because robbery was now, perhaps more frequent than in any former period, the law therefore tolerated it, and it was on this account excusable.

But he wished to enter into an examination of those points to which the right honourable gentleman had objected, and which it was the object of his motion to separate from being grounds

grounds of charge. The rice contract was one of them—did he recollect that this very contract, which was intended for the preservation of Madras, in the first instance, was to be executed at the risk of destroying Bengal?—And why was this sacrifice to be made?—For the express purpose of gratifying Mr. Auriol.—And was there no other way by which this gentleman could have been recompensed for his meritorious poverty? What was the sacrifice of public interest which had been made on this occasion?—Had not the merchants promised to procure the rice at five per cent.?—Why then give Mr. Auriol an enormous benefit of fifteen?—Was this *douceur* likely to qualify him the better for discharging the duties of his engagement—or was there any thing in his habits of life to entitle him to so extraordinary a preference? He was out of trade—He had no capital—He had nothing to justify his being put on the same footing with those whose profession was mercantile, who were ready to act on the shortest notice, and who, of course, could have undertaken the execution of this contract with more facility, and on more reasonable terms than Mr. Auriol—But this contract was not confined in its operation to Madras. It extended to Bencoolen—to St. Helena, which was almost at our own door, and to Bombay, where, notwithstanding the jobbing mood, which they were not unfrequently in, in that part of the world, they had been astonished at the circumstance of being supplied with rice, at double the price they could have procured it for themselves. This mode of rewarding people for their services, he considered as highly impolitic and dangerous—increase of salary was surely a much wiser method—for encouraging the hope of recompence, by the means of contract, what was it but to exhibit a motive to induce mankind to rob the public?

The next point on which he animadverted, was the duty on salt—There he also alledged, that a most shameful alienation of the Public money had obtained—for the first Commissioner had a yearly income of 18,000*l.* given him, which was certainly extravagant, and an eminent example of that corruption, which distinguished the government of Mr. Hastings. Mr. Hastings had acted as the agent of the Company against the Company—And for what reason? Who was Mr. Bellie? His own private secretary. And when a person of this description got a gratuity of 30 per cent. on a contract which could have been executed for 20, and when this contract was extended in the very face of the orders of the Court of Directors during five years—was there not something in this mode of conduct to justify what was more than suspicious, a rational presumption of criminality? Feeling, therefore, the importance of all these considerations to illustrate the general feature of Mr. Hastings' government, he thought it would

be improper to omit them, and therefore he would propose an amendment to the one made by the right honourable gentleman including the agency for rice, the salt duty, and the other articles on which he had enlarged in the course of his remarks.

Major Scott Major Scott said, that at so late an hour of the night he should reserve much of what he had to say upon the present question till it came again before the Committee, and would merely confine himself to some explanation of the only two contracts which had been censured by the right honourable gentleman; first observing, that if the profits of all the contracts were as exorbitant as the honourable baronet had stated, which he was prepared to disprove, they would not, taken all together, amount to more than one half of the profits arising from the loan of a single year during the late unfortunate war. With respect to the bullock contract, the Major said, he should declare generally, that it was highly advantageous to the Company; that it was concluded in consequence of representations from General Stibbert, immediately after the breaking out of the French war; that it was a matter of public notoriety to every officer of the Bengal army, and of universal complaint, that previous to the conclusion of the contract with Mr. Croftes, no part of the army in Bengal had ever moved without infinite distress to the country, that bullocks were constantly pressed, to the very great distress of the husbandmen and to the very great loss of the revenue: he could mention many instances to prove this, that came within his own knowledge, one in particular, which he was sure could be confirmed by an honourable friend near him, who was at the time Chief of Patna. When Colonel Champion marched with the first brigade from Dinapore, in February 1772, he was unable to move till the whole country round Patna had been swept for bullocks; and in the course of his march through a district producing a revenue of only three lacks a year, the collector of that district claimed a deduction of seventy thousand rupees for his district, on account of losses sustained in consequence of the farmers' bullocks having been seized: this was not the only instance, for, the Major said, he would take upon him to declare, that no corps of the army had marched from 1767 to 1780, without experiencing the same inconveniencies, and without creating the same distress to the country; and he was convinced that it would be better to disband five or six battalions, than to reduce the bullock contract so as to endanger the strict performance of the service. Since the conclusion of Mr. Croftes' contract, the park of artillery, and every corps of the army, was furnished with its proper complement of bullocks. He

had the honour to command a battalion of sepoy's at Chunar, and his corps, with his guns and ammunition, were ready to march at any time at five minutes notice; but formerly, when an order of march was issued, the first thing necessary was, to sweep the country for bullocks. There were, after the expiration of Mr. Croftes' contract, four brigades in Bengal, Bahar, and Oude; there was an army in the field under Colonel Cormac, afterwards Colonel Muir's; another under Colonel Popham, and a very considerable detachment under Colonel Pearce, in the Carnatic. The explanations alluded to by the right honourable gentleman were before the House, though not printed: he did not, however, desire to postpone the decision of the question on that account; another opportunity would offer, when he trusted it would fully appear, that the second bullock contract was a necessary and an economical measure; whereas the first, being on such low terms, was merely a deception; the honourable gentleman (Mr. Francis) having himself allowed that bullocks had always been pressed on the movement of any part of the army.

As to the opium contract, he would state that fairly and fully; it was a subject that could not, and should not, be misunderstood: it was a fact that opium always had been, and always must be, a monopoly; in the time of the Mahomedan government it was a monopoly, and given to favoured individuals.—From the time we acquired influence, it was a monopoly in the hands of the civil servants of the Company at Patna, not a secret monopoly, not a transaction committed in the dark, but openly and avowedly taken—as a perquisite of office, as any fee attached to any patent office in this country—perfectly known to the government of Bengal, and perfectly known to the Court of Directors at home; so it continued till Mr. Hastings came to the government in April 1772. He was the first who made the Company participaters in this monopoly; not in consequence of orders from home; but he himself created the revenue for them; and it appears by papers upon the table, that during his administration, though the Company gained above five hundred thousand pounds by the monopoly, still it was a great advantage to individuals. The first year the Company took a certain number of chests to send to Balambangan at 400 rupees a chest; the second year they took all the produce of the province, for which they paid 320 rupees a chest. In 1775 the Governor General and Council advertised for sealed proposals for furnishing all the opium of Bengal and Bahar on the Company's account, and the contracts were given to the lowest of thirteen who sent
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in proposals. Here then was the fair price fixed: the honourable gentleman (Mr. Francis) declared, that he should be against concluding the contract on too low terms, and he well remembered, that Mr. Griffith's terms were so low, that many well-informed men thought he would be ruined by the contract. The fact however was, that he very honourably and fairly acquired a fortune by it. Mr. Griffith had the Patna contract; and Mr. Wilton, a gentleman who lived in Colonel Monson's family, had the Bengal contract for one year; before the close of that year the Governor General and Council, without advertising for proposals, gave it them on the same terms for one year more; and then in 1777 it was given to Mr. Mackenzie on the same terms, as a matter of favour, for three years: he had the Patna and Bengal contract; and now, the Major said, he came to a circumstance which both the honourable Baronet and the right honourable gentleman (Mr. Pitt) had totally omitted. The Court of Directors were undoubtedly well pleased, that by the attention of Mr. Hastings they had acquired a great revenue, from a source which never produced one before; but in their letter of December 1778 they expressed their displeasure, that it had not a second time been put up to auction and given to the lowest bidder: this letter arrived in Bengal in December 1779; but a transaction took place in May 1780, which was totally sunk on all sides. In February 1780 a coalition took place between Mr. Hastings and Mr. Francis, which, the Major said, he was a little instrumental in bringing about, and had lamented it, since it had not gone on so happily as some other coalitions in this country. Mr. Mackenzie was the intimate friend of the honourable gentleman (Mr. Francis) and in the month of May 1780, having previously concerted the matter, he wrote a letter to the Governor General and Council, requesting the opium contract for one year more, making four years. The order of the Directors was then before the Governor General and Council for putting it up to auction; but was it noticed? No. The whole Board, then consisting of Mr. Hastings, Mr. Francis, and Mr. Wheeler, without a word of debate, without even an allusion to this order, gave it to Mr. Mackenzie. It was avowedly a matter of patronage at all times, and, as such, given away to a connection of the honourable gentleman's, not to a friend of Mr. Hastings; and he trusted, that if Mr. Hastings was to be censured, the censure should begin from May 1780, when, with the Directors' orders before them, Mr. Hastings, Mr. Wheeler, and Mr. Francis gave the contract to Mr. Mackenzie for one year, after he had holden it for three. He neither wished

to

to blink the question, nor to disavow his opinion of it; for he thought so much merit was due to Mr. Hastings for creating such a revenue for the Company, that he should be excused for still thinking it a good thing to the person who held it.

He now came to the ninth stage of this contract, and he called the attention of the honourable gentleman (Mr. Francis) to a fact that he had been told lately by Mr. Sullivan, who had called upon him, of his own accord, to communicate every circumstance of this opium business, and had given him permission to state it. In September 1780 Mr. Sullivan arrived in Bengal; in October, (having been told, as the Major concluded, that the opium contract was a good thing) he asked Mr. Hastings to give him his interest for it on the same terms it was then holden, at the expiration of Mr. Mackenzie's contract—Mr. Hastings told him he would, but that he was under an engagement to permit another gentleman to have a proportion of it: this gentleman was Mr. Tihglman, a relation of the honourable gentleman (Mr. Francis) who then lived in his family, and went home with him in the same ship. Mr. Sullivan, in consequence of this information, waited upon Mr. Tilghman, and agreed to give him 25,000 rupees for his share of the contract; for this sum Mr. Sullivan gave a bond, and at the end of a year paid the money to Messrs. Hay and Ducarell on Mr. Tihglman's account. Mr. Sullivan has declared, that Mr. Tihglman had assured him before his embarkation, that he had communicated the matter to the honourable gentleman (Mr. Francis). The Major said he would leave the facts with the Committee: the matter was notorious, that the opium contract was an affair of favour and patronage; a great revenue was created for the Company—but still a very good thing was left for the disposal of the government of Bengal; and he was confident the merit of creating such a revenue would weigh with the world against the demerit (if there was any, which he, for one, would not allow) of not reducing the contract still lower than the lowest of thirteen offers. The Major said, he felt himself quite free to declare his opinion upon these contracts; he had no concern in any of them—nor in any transaction out of the line of his profession, except one, which was highly honourable, highly advantageous to the Company, and would have been of some advantage to himself, if the Court of Directors had not undone the deed, by which the Company sustained a considerable loss: the transaction he alluded to was undertaken with the honourable gentleman's concurrence and approbation, whose relation, Mr. Tihglman, had an equal share in it with himself.

Mr.

Mr. Francis.

Mr. *Francis* adduced several passages from the minutes, to prove that Mr. Hastings, in regard to Mr. Bellie's contract, had acted inconsistently with his own principles, and in direct opposition to his (Mr. Francis') opinion of what was fit. He declared that he was ever against the infamous mode in which the opium contracts were given; that he had always pronounced his opinion against them; and that when it was first given to Mr. Mackenzie, he was absent a hundred miles from Calcutta. In regard to the circumstance of his relation, Mr. Tihglman's participation, he declared upon his honour, that he knew nothing of the circumstance until he came to England. He was not accessory to his obtaining it. Mr. Tihglman had the interest of Mr. Wheler, and through him he imagined that he obtained the promise from Mr. Hastings. As to himself, he dared and defied Mr. Hastings and the Major to prove, that it was, in the most oblique way, through his means that Mr. Tihglman got the promise. His memory might not at all times furnish him with the clear circumstances of every fact suddenly started in debate, but on such points, he had a stronger reliance than on his memory—he relied on his principles, which, in all the times he was in India, preserved him from any direct or indirect traffic of corruption, either for himself or others. But what would the House now say to the open confession made by the honourable gentleman, that Mr. Hastings had given this contract away as a boon, for the purpose of influence? This was the most open and barefaced acknowledgement of corruption he had ever heard; and he left Mr. Hastings to thank the honourable member for the service he had rendered him by the declaration.

Major Scott

Major *Scott* said, he had the fact from Mr. Sullivan, and not from Mr. Hastings; and he declared, that he had meant nothing improper with respect to the honourable gentleman (Mr. Francis).

Mr. Le Mesurier.

Mr. *Le Mesurier* spoke against the motion, but confessed that he could not defend the principles on which several of the contracts had been made.

Mr. Dempster.

Mr. *Dempster* said, that he had attended very closely to the whole progress of the debate. He had not been able to collect that there was any direct charge of corruption against Mr. Hastings himself, or that he had been benefited by putting money into his own pocket. With respect to Mr. Sullivan's contract, he denied that it had been given to that gentleman on account of his father being Chairman of the Court of Directors, but in consequence of the very old intimacy which had taken place between them. The father had been in straits; the son had returned from Ireland, where he had resided for some time, and had disposed of a place which he

he held to supply his father's wants. In this state he went out to India, and Mr. Hastings had provided for him. These facts he was well acquainted with, and he wished the Committee might attend to them. He was also desirous that the Committee might adjourn the consideration of the business till such time as it could consult that voluminous quantity of papers which had so recently been laid upon the table. As to the monopoly of opium, he was perfectly against it. Monopoly never produced any advantage; it weakened and depressed the spirit of mankind; in India it had been the cause of the worst effects, for the miserable ryots had often been obliged to destroy the rice which they had previously sown for the purpose of planting poppies.

Mr. Dundas said, that he believed the honourable gentleman had not been present the preceding day, when he had himself intimated a wish, that the charge might not be brought forward before gentlemen had been indulged with an opportunity of fully examining the papers on the table; but it had been then said by the honourable Baronet who opened the charge, that he was prepared to go through it without the assistance of those papers.

Mr. Vanfittart explained to Mr. Dempster, that a regulation had taken place in India fifteen years since, by which the inhabitants were not obliged to cultivate the poppy.

The Committee then divided on the question, that the words contained in Mr. Burke's amendment do stand part of the motion,

Ayes, 66; Noes, 57. — Majority in favour of Mr. Burke's amendment, 9.

The Committee then divided on the main question, including both Mr. Pitt and Burke's amendments,

Ayes, 60; Noes, 26. — Majority for the impeachment on the amended motion, 34.

Friday, the 16th of March.

The House having resolved itself into a Committee of Supply, Mr. Gilbert in the Chair,

Mr. Brett moved, that a sum not exceeding 700,000*l.* might be granted to His Majesty for the ordinary of the navy, including the half pay of the marines, for the service of the year 1787; and that a sum not exceeding 650,000*l.* be granted to His Majesty for building and repairing vessels, over and above the allowance for wear and tear, for the year 1787.

Captain Macbride expressed his apprehensions, that many large sums continually voted for the navy were misapplied: he did not mean to throw the blame on any particular officer,

but he thought it his duty, as an officer of the Navy and a member of Parliament, to state what were his objections to the mode of applying the money voted. He then went into a comparison of the state of the navy from the year 1764 to the present time, and contended, that by the increasing our frigates and neglecting the ships of the line the naval strength of this country was considerably reduced. He observed, that while we had been building small vessels, France and Spain had increased their navy by vessels of the line; that they had been augmenting their naval establishment while we had been diminishing ours. He would not vote for any sum to be applied to the purpose of building small vessels which would not prove of defence to the country, but tend only to the filling the prisons of our enemies. The papers on the table were for a class of vessels which were not proper to meet our enemies. The repairing of many vessels he was also averse to; it was an improvident expenditure of the money, which might be better applied; and a vessel which required one third of what might build a new one to repair her, was not worth such a repair. It was not more remarkable than true, that most of the ships which had foundered, and in which had been lost many valiant and worthy men, had been such as underwent a thorough repair. The present practice of building skimming-dish vessels of twenty-eight guns was the most glaring impolicy; and to send such vessels against the large vessels of France and Spain would be like sending an ass to Newmarket to run against a racehorse. He afterwards took notice of the miserable condition of our guardships, which were termed seminaries of naval education, but which, in fact, were more remarkable for their mischief than real utility. None of them could, with any degree of safety, be sent to sea; and as they were nearly stationary, the officers and men acquired a supineness which made them totally unfit for immediate service, without renewing and practising, for a certain period, the fundamental principles of a naval education. Hence might be seen the great inconvenience and danger resulting from the adoption of such a system, or the commencement of a rupture with a foreign power. There was a regulation uniformly adhered to in the merchant service, that a ship should not be repaired when the money necessary for such repairs amounted to more than a third of her original price. Although this rule was commendable, as founded in wisdom, yet he was sorry to say, that it had seldom been attended to by the present Lords of the Admiralty. There was another complaint connected with the pernicious system of guardships, which ought certainly to be removed. Many young gentlemen, candidates for naval situations, were received into them, and passed two

or three years without learning one single article of their intended professions : they indeed were so perfectly ignorant of its principles, that they were often obliged to leave the guard ships, in order to go on board of some vessel destined for the East and West Indies, and thus acquired some idea of the seafaring business. He however instanced, that before they departed from the guard ships, they were obliged to use their utmost interest to obtain liberty, and that the purfers always charged a certain sum for their provisions during the voyage ; or, in case of refusal, the young gentlemen alluded to were precluded from the opportunity of improvement in the profession. He urged this obstacle as a very great grievance ; and would not charge his memory with having ever heard it represented in the measures of any other government, that young candidates for naval fame were precluded from the opportunity of improvement in the profession for which they were intended.

Sir *Charles Middleton* declared, that at no period of the history of this country could so flourishing a state of the navy be boasted as at present. Certainly some old vessels were in the service ; but he presumed that no gentleman would wish for them to be thrown away. The building of frigates was increased since the war ; those only which were suspended during the war had been carried on.

Sir Charles
Middleton.

Captain *Brett* observed, that the ships in Plymouth Dock which were meant to be repaired had not been built more than four years. It would therefore be imprudent indeed to break up ships which had been so short a time in the service.

Captain
Brett.

Captain *Macbride* pressed for an answer from the Admiralty respecting the cause of obliging young men, who were devoting themselves to naval employments, to pay for their provisions when they went from the guardship to that to which they happened to be appointed. He particularised the miserable state of the Bombay.

Captain
Macbride.

Sir *Charles Middleton* said, that he possessed convincing proofs of the contrary, but did not think it would be consistent with his duty to the Public to communicate the information.

Sir Charles
Middleton.

Captain *Brett* remarked, that there were five guardships on the Plymouth station, all of which were not above four years old ; he therefore apprehended that they were not in such a miserable condition as the honourable gentleman had represented.

Captain
Brett.

Here the question was called, and Mr. Gilbert proceeding to read it,

Mr. *Marshall* rose and remarked, that it excited his astonishment to find that no answer had been returned to the

Mr. Mar-
shall.

question asked by the honourable officer, whose highly-established reputation in his profession certainly entitled him to satisfactory explanations concerning any matter respecting the navy. But he thought, independently of this, the subject which he had mentioned called for an explicit answer. There was no honourable member more desirous of preventing a profuse expenditure of the public money. But with regard to the navy, there was no one who would oppose more a parsimony either in the grants, or the applications to those purposes. The navy was, of all subjects of public expenditure, the most improper object for the observance of state economy.

Captain
Brett.

Captain *Brett* replied, that so many persons voluntarily offered themselves, that it was impossible to furnish them all with Lieutenancies without a most profuse expenditure indeed of the public money. With regard to the supply of young men with provisions, it was always granted to those who had actual appointments.

Mr. Mar-
sham.

Mr. *Marshall* expressed his surprise to hear a member of the Board of Admiralty contend, that to appoint a few Midshipmen in the time of peace to Lieutenancies would be a profuse and extravagant disposal of the public money; for he was certain that the interest of the money expended already, and to be expended in the new buildings as the Admiralty, would be more than the expence of the said Midshipmen being made Lieutenants.

Captain
Macbride.

Captain *Macbride* instanced the case of a son of Sir John Stuart, and a relation of his own, who had been in the predicament complained of. He gave notice that he would, on a future day, make a motion for a list of the ships paid off, together with the dates of their commissions, and the periods of their service. Stating an indulgence granted to the Lieutenant Governor of Greenwich Hospital, he said, that he would also make a motion relative to him; and that another concerning the Widows of Warrant Officers would likewise be submitted to the House.

Captain Brett defended the Lieutenant Governor of Greenwich Hospital as an amiable character.

Lord Hood.

Lord *Hood* said, that when he was in the West Indies there was a great number of young gentlemen who acted as supernumeraries, but that they received every indulgence; and that he was convinced no part of the present grievance ought to be imputed to those in Administration.

The question was then put, when the motion was carried without a division.

The House being resumed, the Report was ordered to be received on the ensuing Monday.

The House adjourned.

Monday,

Monday, the 19th of March.

Mr. Chancellor Pitt acquainted the House, that he had a message from His Majesty to this House, signed by His Majesty; and he presented the same to the House, and it was read by Mr. Speaker, and is as followeth, viz.

“GEORGE R.

“His Majesty, being desirous of conferring a mark of his royal favour on Sir John Skynner, Knight, late Lord Chief Baron of His Majesty’s Court of Exchequer, in consideration of his diligent and meritorious services, and of his faithful and upright conduct, in the execution of that office, recommends it to his faithful Commons, to consider of enabling His Majesty to grant an annuity of two thousand pounds per annum, clear of all deductions whatever, to the said Sir John Skynner, during the term of his natural life, to be paid out of His Majesty’s civil-list revenues.”

G. R.”

Resolved, “That the House will, upon Wednesday morning next, resolve itself into a Committee of the whole House, to take His Majesty’s said most gracious message into consideration.”

Mr. *Dempster* begged leave to fix, for some moments, the attention of the House to what he considered as most important defects in the East-India acts of 1786. He contended, that as trials by Jury were the birth-right of every British subject, no man, no assembly had any right to take away such a privilege, unless by the consent, and on the application of the parties themselves; and he declared it to be no justification whatever for that House to assert, that it gave the parties so disfranchised a better thing in lieu of that which they took away. He reprobated the ground of necessity as a plea for the abolition of trial by Jury in the case in question, and asserted, that no such necessity could be proved to have existed; the only two East-India causes, of late years tried, having been decided by a Jury, and these were the case of the Armenians against Governor Verelst, and the case of Lord Pigot: in the former, large damages had been obtained; and in the latter, damages had also been given. Of the competency of Juries to try these causes, no doubt had been suggested, and the issue proved that they were perfectly competent for the purpose. The reason therefore upon these facts to prove, that so far from experience authorising the assertion that it was on the ground of absolute necessity that the British subjects in India were deprived of their right to trial by jury, experience had established the very reverse of the assertion.

tion. Having argued the point, he proceeded to mention the other particulars in which it would, in his opinion, be proper to alter the last act; and first, he stated the extension of the Judicature instituted in Bengal to Madras. The institution of the Supreme Court of Judicature, by separating the executive from the judicial departments, had been attended with the happiest consequences to the whole province of Bengal, and to the town of Calcutta more especially; and therefore he saw no reason why the same essential benefits might not be extended to Madras, where, he had no manner of doubt, the institution of a Supreme Court would prove eminently useful. A third regulation necessary, was a regulation respecting the Judges of that Supreme Court, whose vacancy ought to be supplied, whenever a vacancy happened, whether a temporary or a permanent vacancy, without delay. The reason for this was, that ever since the recall of Sir Elijah Impey, the whole weight of the business of the Supreme Court had fallen on the shoulders of a single Judge. A fourth alteration would be the total repeal of a clause, authorising the Governor General to seize any person merely suspected of holding any correspondence with any Princes, Rajahs, Zemindars, or Governors of factories, or any correspondence detrimental to the general interest of the Company. Mr. Dempster read this clause to the House, to shew the extensive wording of it, and the mischiefs it might lead to, and said it was wholly subversive of the *habeas corpus* act, and that he would no more give his consent to such a law, than to a law legalising impressing; on the contrary, he saw not why a *habeas corpus* act might not be passed to have operation in India. After stating these and other particulars concerning the judicial parts of the acts, he came to take notice of the political part, and declared, he thought some alteration might there be made much to the security of the liberties of the British subjects in India, and equally to the advantage of the Company. It was a maxim, he believed, not to be controverted, that it was impossible for that Government to be a good one, in which the people were not allowed to have any share. The Government of India, while the affairs managed there, were merely the affairs of a trading Company, might be sufficiently well conducted by a Governor and Council; but the case was widely different in the government of an empire. He was of opinion, that the change of circumstances in India pointed out the necessity for a change of Government, and that a much better Government than the present might be successfully adopted. Suppose, for instance, a Government in the nature of the Vice Royalty were instituted, and a Viceroy was to be appointed, with a Privy Council to advise with in matters of Government; he might also have a
legislative

legislative council, and something like representation be given to India, as the capital towns and districts might be empowered to elect and send deputies. Such an house of representation might be empowered to receive petitions from the natives, and to grant redress. That would give the natives a degree of confidence in the British Government, hitherto unknown in India. He complained of the clause of the existing act taking away from the Company the right of compounding with their servants, when in arrear, or under censure. He also proposed to abolish all monopolies, particularly that of opium, declaring that he had ample proof of the injurious tendency of that monopoly. In conclusion Mr. Dempster moved, That an act, made in the twenty-four year of the reign of his present Majesty, entitled, ‘ An act for the better regulation and management of the affairs of the East-India Company, and of the British possessions in India, and for establishing a Court of Judicature for the more speedy and effectual trial of persons accused of offences committed in the East Indies,’ might be read; and the same was read accordingly.

Mr. Dempster then moved, That an act, made in the last Session of Parliament, intituled, ‘ An act for the farther regulation of the trial of persons accused of certain offences committed in the East Indies, for repealing so much of an act, made in the twenty-fourth year of the reign of his present Majesty, entitled, “ An act for the better regulation and management of the affairs of the East-India Company, and of the British possessions in India, and for establishing a Court of Judicature for the more speedy and effectual trial of persons accused of offences committed in the East Indies,” as requires the servants of the East-India Company to deliver inventories of their estates and effects; for rendering the laws more effectual against persons unlawfully resorting to the East Indies; and for the more easy proof in certain cases of deeds and writings executed in Great Britain or India,’ might be read; and the same being read accordingly,

Mr. Dempster next moved, That leave be given to bring in a bill to explain and amend the said acts.

Mr. Francis seconded the motion. He begged leave to state to the House certain objections and difficulties arising out of the bills themselves, and which he had on a former occasion mentioned to the learned gentleman over against him, but had received no answer to them. He had before asked, whether a Jury was not capable, or could not be made capable of trying acts of extortion, or other misdemeanors, committed in India? but no learned gentleman had ventured to affirm, that a Jury neither was capable, nor by any means could

could be made capable. The question, he begged the House to recollect, was important, since nothing short of that affirmation could support the institution of the new tribunal, which was said to be founded on absolute necessity, and to admit of no alternative. When he had first put this question, he had grounded it on the reason of the case; but he came there armed with another sort of authority, the authority of the act of 1786, the present existing law, which admitted the fundamental capacity of Juries, which left the opinion, and gave it to the prosecutor, viz. to the Attorney General, who was expressly enabled by the act to try any of the causes as he thought proper, either in the Court of King's Bench, or before the new tribunal. The supposed incompetence of Juries was therefore given up. It was, however, Mr. Francis said, a dangerous power to be left with the prosecutor, as it was neither more nor less than a power to allow or take away his fellow subject's right to be tried by his country. He asked by what principle was the Attorney General to be guided in preferring one tribunal to another? How was he to distinguish the cases that were fit for the King's Bench from those that were fit for the new tribunal? Was the new Judicature only to be resorted to in cases of special difficulty or importance? If so, the consequence was absurd. In cases of inferior difficulty or magnitude, they tried in the Court of King's Bench, and then the party, if he thought himself injured, might have various remedies against error in the proceedings, or in the judgement, or even against the verdict, by applying for a new trial; whereas if the case were specially difficult or important, they carried it to a tribunal whose judgement would be final and conclusive; since, though there was a right of moving the cause by appeal, or by writ of error from the Court of King's Bench, there was no right of appeal whatever from the new tribunal. Another fault he had to find with the new Judicature was, that it was at once original and final, which was of itself contrary to the principles of English law; and they made it so in cases, the difficulty and importance of which were most likely to perplex the judgement of the Court, and which particularly required that the judgement should be open to re-consideration in some higher tribunal. Mr. Francis declared, that he wished to know whether the institution of a Court, with original and final jurisdiction, was conformable to the principles of English jurisprudence, and he called upon the gentlemen of the law to declare themselves explicitly. The authors of the measure, he said, had seen the absurdity and danger of leaving the judgement to be determined by four persons out of seven, and had therefore increased the number to ten; but with that increase, in order to obtain a judgement,

judgement, they had introduced a new and dangerous principle of decision, unknown in the administration of justice in England, viz. by a casting voice; that was, they had borrowed the principle of decision which belonged to a deliberative, or popular assembly, and carried it into a Court of Justice. If judgement was to be given by a majority, he contended that it ought to be a real, and not a fictitious majority, because nothing could be more evident than that no judgement should be given but by a real preponderance of opinions; whereas a casting voice was mere power, and power had nothing to do with judgement; power belonged only to execution; it was executive, and not judicial. This was, he said, so true and acknowledged a principle, that if in any of the Courts in Westminster Hall the Judges were equally divided, there could be no judgement; in that case the laws supposed a person in possession of an equality of opinions on each side, and could have no motive for saying that either of those equal weights should prevail against the other. Mr. Francis declared, he wished to see these various difficulties cleared up, and that a bill of such importance should not be confirmed without explanation or defence. The very great alterations they had made in the first bill shewed that the authors of it were far from infallible: they had, when the bill of 1784 was first introduced, declared it to be a perfect measure: they had nevertheless altered it materially in 1786; perhaps, therefore, it might appear that the second bill was as imperfect as the first had been confessed to be. In his mind it was more imperfect, and instead of removing former difficulties, it had produced a multitude of new ones. It persisted in the conclusion after the premises were abandoned. At first it introduced a new and dangerous innovation upon the ground of pretended necessity, and it now adhered to that innovation, when the whole ground of necessity was renounced and given up; for these reasons, Mr. Francis declared, he seconded the motion for a new bill, in the terms in which it was drawn; though he meant not to pledge himself to support, to their full extent, all the arguments of the honourable gentleman who had made the motion.

The *Solicitor General* remarked, that the two cases alluded to had long ago satisfied his mind, that a peculiar jurisdiction for the trial of misdemeanors committed in India was absolutely necessary, and that some years since all sides of the House seemed to be of that opinion. The case of the Armenians was certainly a very hard one on Mr. Verelst, and he, though counsel against him, thought his own case weak, for those persons had traded under English influence and connection, in arms, ammunition, &c., to the prejudice of the Company, and perhaps of the State; no circumstances

The Solicitor General

of any considerable ill usage appeared in bringing them from Oude, and a verdict of 9000*l.* damages was given against Mr. Verelst, which the Court thought very large, but thought it a delicate matter to set it aside, except in a very outrageous case. People's minds were inflamed against persons in power in India, and he doubted whether the new jurisdiction would have so very severely punished an offence against the law committed by Mr. Verelst, probably, as he thought, in the execution of his duty. With respect to Lord Pigot's case, he observed, that all that part of it which respected previous conspiracy and corrupt design, in apprehending his person, which the House believed when they ordered the prosecution, neither was nor could be gone into, nor could any human powers of mind and body have enabled the Jury, without sleep or refreshment, to have gone through it. The evidence filled two quarto volumes, which it would take a week to read and digest; and therefore the imprisonment of his person, without lawful cause, was the only question; and the defendants were punished in proportion to that, and that trial lasted very many hours. In such cases defendants laboured under great disadvantage, a Court and Jury were quite exhausted when their case came to be stated and proved, and half the Jury, perhaps, asleep. Gentlemen had now sufficiently experienced the great intricacy and length of such cases; and could it be supposed that such cases were ever meant to be judged of by a Jury, whose time of sitting in judgement is only so long as a man can fast and keep up his attention. That tribunal, the best ever devised for cases arising in a country which they themselves inhabit, and are acquainted with the motives which usually induce to act, or not act in particular ways—where they understand the cases which come before them from their own habits and experience, was but ill fitted for cases arising in a distant province, very particularly circumstanced, and involving considerations, of which the general run of Jurymen must be ignorant. One gentleman had asked, by what rule was it possible for the prosecutor to settle whether he would go on in the King's Bench, or before the new tribunal? The answer was, that he would be guided by the magnitude, intricacy, and length of the case—if it was apparently such as required many days investigation, it would go to the special tribunal; if it was within the compass of the time allotted to a Jury, prosecutors would let it be speedily concluded. A Jury, instead of that which it was, would be a very bad institution, had it not been provided that they should not separate, but deliver in their verdict the genuine impression, which the evidence alone made upon their minds. He had put it to gentlemen from India, whether they would chuse a power of dispersing

dispersing to be given to Juries, and put in their power to read pamphlets and newspapers, and converse in taverns or ale-houses while their honour and property were at stake, and they had disapproved of that liberty. Nothing then was left but to draft that Jury, which must in some cases have the power of separating, from among those who must be presumed more fit to be trusted with it than the common run of mankind. With regard to the assertion that all subjects are tried for misdemeanors strictly by their Peers, it certainly was not true; for the Lords are tried for misdemeanors by common Juries, as Commons are. It had been asked, was there such a thing as a criminal tribunal original and final? The gentleman who asked it could very easily answer, for he was going up to the House of Lords, whose tribunal was of this nature.

Mr. *Burke* declared that he entertained a profound respect for the information which the honourable and learned gentleman had it in his power to give, and he felt that great weight was due to his opinion. He could not however but observe, that poor, ignorant, unlettered laymen, like himself, had not, lately at least, derived any assistance from the honourable and learned gentleman in conducting the important prosecution in which they had been for some time engaged, and that the House had not paid any very great deference to the advice and judgement of the honourable and learned gentleman, when he had declared himself adverse to their proceedings against Mr. *Hastings*. Mr. *Burke* animadverted on the Solicitor General's declaration, that a common Jury, composed of common individuals, were not competent to decide upon cases of delinquency in India, likely to arise in future. He said, that much as he respected that House, he could not conceive, that the instant any man entered the doors of it, he became, as it were, gifted with a degree of knowledge, and a fund of liberality superior to that possessed by people without doors. He hoped that, generally speaking, that House represented the understandings, as well as the individuals of the mass of people, and that there was nothing so distinguished in the intellects of members of Parliament, as to mark them out from their constituents, as the only proper persons to be trusted with the reputation and property of those who might hereafter be brought to trial for any part of their conduct in India. The honourable and learned gentleman, whom, from what he had said, he should hold himself entitled to consider as the author of the act of 1786, had rested the justification of the bill on experience, and not on the loose grounds of speculation and experiment. That was undoubtedly the true ground for any great measure to stand upon, but he should examine a little how far

Mr. Burke

the experience referred to would warrant the inferences which the honourable and learned gentleman had drawn from it. With regard then to the trials alluded to by the honourable and learned gentleman; to that between the Armenians and Governor Verelst, and that in the case of the seizure of Lord Pigot, they rather, in his mind, proved the competency of juries to try East-India causes than any thing else. In the former, large damages (nine thousand pounds) had been given; but then, perhaps, as the honourable and learned gentleman had found so much fault with the verdict, the jury were incompetent, and had mistaken the merits of the case. The Judge also might have been equally mistaken in his declaration to the jury. Supposing that however to have been the fact, where would the honourable and learned gentleman look for competency to decide? Under the new bill, men surely not more competent than a Judge sitting in his own Court in Westminster Hall, were to form the tribunal. Let the honourable and learned gentleman recollect however, that if there really was any ground to complain of an improper decision, in the cause of the Armenians and Governor Verelst, that cause was a civil action for damages, and all civil actions for damages were left exactly where they were before, by the existing act of 1786. The whole of the argument, therefore, which could be drawn out of the cause of Governor Verelst, fell to the ground, and was perfectly inapplicable, as a justification of the new Judicature. With regard to the other cause mentioned by the honourable and learned gentleman, that, in respect to Lord Pigot, it was clearly a criminal case, but he had never heard the verdict complained of. The public had indeed complained of the judgement, and that on the ground of the inadequate fine levied. As the honourable and learned gentleman had thought proper to infer, that the jury were half asleep before the trial was brought to a conclusion, he (Mr. Burke) trusted that it would not be straining the point too violently to suppose that the act of 1786 had now a new feature. - It was a specific against somnolency. It spoke to that House in clear and audible language. It said, "Sleep no more!" in such emphatic terms, that from thence forward he should imagine that such a phenomenon as a sleeping member of Parliament would never be seen. He could scarcely now credit what his eyes had formerly beheld, and doubted whether he had been himself awake, when he had seen one member nodding in one part of the House, a second lolling at his length in sound, but not quite silent somnolency in another, and a third, a fourth, a fifth, and so on, fast asleep in others. Whatever had happened, the whole House was hereafter to keep wide awake, let the hour of debate be protracted ever

so long. Mr. Burke next resumed his inquiry into the great difference between members of Parliament and Peers, and the individuals that usually composed the Juries, who heard and determined in the Courts below. The honourable and learned gentleman, he observed, had said, that men, who went to alehouses and read pamphlets, were not fit to decide on cases of Indian delinquency. To be sure, members of Parliament and Peers did not usually go much to alehouses, but then they went to taverns and coffee-houses; they drank wine at clubs of various descriptions, but generous wine, and good coffee, he supposed were deemed excellent qualifications for the mind of a man likely to become a member of the new tribunal. Wine enlarged the understanding, and unlocked the dormant faculties of the soul. It made men liberal, and it made them eloquent. Coffee on the other hand cleared the head and purified the judgement. It must consequently enable men to see with precision and decide with wisdom. There was therefore something in the argument, that those who drank wine and coffee were better qualified to judge and determine than those who drank punch and beer, and such like beverage. But then the honourable gentleman had stated another objection, and that was this: men who read pamphlets were not fit to sit as jurymen in causes of Indian delinquency. Pythagoras said to his disciples, *abstine a verbis*; but he had never heard of such maxims as *abstine a pennis*, or *abstine a pamphlatis*, and he was afraid, that, so far from members of Parliament being in that respect properly qualified, the only sure way to get a tribunal, so as to meet the honourable and learned gentleman's definition, would be to chuse no persons members but such as could neither write nor read. Mr. Burke contended that the new Judicature was infinitely the worst sort of Jury that could be instituted, because it had one of the greatest objections belonging to it that could belong to any pannel. The members of it were nominated by the Minister, and it was known, soon after the commencement of every session, who they were. This, as gentlemen would see, must expose them to applications of every sort, and they all knew, as members, what sort of applications was made to them when personal questions were likely to be agitated in that House. A Jury in the Courts below, on the contrary, were unknown till the time they were sworn, and, for a variety of reasons, were not liable to previous application from the parties in whose cause they were to decide. He pressed this upon the consideration of the House, as a matter by no means immaterial or unimportant. He next took notice of the clause in the act of 1786, taking away from the Company all right to compound causes with their servants, and enlarged upon it

as a matter highly prejudicial to the Company's interests, declaring that he looked upon compounding, in many cases that might possibly occur, as nothing more than taking five shillings in the pound, which, where the debt was large, was often a recovery of a considerable sum, and which, by being disallowed in future, could not but prove the cause of great loss to the Company. He mentioned Mr. Arnot's book on the criminal laws of Scotland, in terms of great commendation, and said, he doubted not but that a right honourable and learned gentleman opposite to him (Mr. Dundas) had read it. In that book it was recorded, that the right honourable gentleman's father or grandfather was the man to whom his country stood indebted for the restoration of the inestimable right to trial by Jury. That was an honour of which any man might be proud, and he hoped the right honourable and learned gentleman did not mean to follow the example of those who lavish away their family estates, and idly abandon his family honour, by being himself the instrument of taking away the right to trial by Jury from the British subjects in India.

Sir James
Johnston.

Sir *James Johnston* said, that he should be always glad to see some plan enforced to bring East-India delinquents to justice, which he was sure could not be done in the ordinary course of trial by Jury; and he believed the East did not abound more in riches than it did in crimes. He was however as much a friend to Juries as any gentleman, and joined most heartily in the praises bestowed upon Mr. Dundas of Arncliffe, for his good intentions in having been instrumental in introducing the use of Juries into Scotland; but it would, he said, have been still more to that gentleman's honour, if he had endeavoured to have adhered more closely to the plan of Juries in England. Juries in Scotland were a grievance rather than a blessing. The Sheriff chose forty five men, not confined to any description, nor possessed of any qualification, but taken wherever he could find them, and out of those the judge chose fifteen, the majority of whom determined, and those were the *legales homines* of Scotland; so that it was easy for any Judge or Sheriff to convict whomsoever they pleased of whatever crimes they chose. He believed he was himself not the most unpopular man in his county in Scotland, and yet he believed a good Sheriff and a wise Judge would be able to find eight men that should convict him of crimes that he was incapable of committing. Many people traduced the Scotch nation for their slaving principles—but (said Sir James) “Give us English laws, and we will become Englishmen.”

Mr. Chan-
cellor Pitt.

Mr. Chancellor *Pitt* declared that he could not suffer the statement of the right honourable gentleman on a particular fact

fact to pass unnoticed. The right honourable gentleman had stated that those members of the Judicature that were chosen out of that House, were, strictly speaking, appointed by the Minister. If the right honourable gentleman meant generally to insinuate, that, in every act of the House, the influence of the Minister was prevalent, he should not attempt to enter into the question, nor did he think such an insinuation decent or respectful to Parliament. But, with respect to the particular object immediately in the right honourable gentleman's contemplation, and he believed there were few gentlemen present that did not fully comprehend it, he wished the House to recollect for a moment what were the real circumstances of the case, before they suffered themselves to be led astray by the right honourable gentleman's misrepresentations. The fact was, that that House had no other interference in the choice of members for the East-India Judicature, than each gentleman furnishing a certain list of names, and every name that was found upon twenty of those lists was sent in one general list to the judges who reduced that general list to the proper number by ballot; from whence it followed, that so far from the Minister's having the absolute power of appointing the members of the Judicature, it was possible that to small a minority as twenty might have the nomination.

Mr. *Burke* said that he could not avoid comparing the right Mr. *Burke* honourable gentleman's manner of correcting him, to his having put his hand into a sack of grain, and produced a sample, to determine by that the goodness of the whole. But the authority of the right honourable gentleman alone lent his contradiction weight. In effect, the Judicature was chosen by the majority, and the majority only. Mr. *Burke* again resumed his argument against the bill of 1786; but on the gentlemen of the Treasury-bench side of the House crying out "Spoke, "spoke," he said he meant to move a new question, the question of adjournment. He proceeded to justify the above question, by declaring that the House in its present temper were not fit to decide so important a question as that then under consideration. Mr. *Burke*, after a few more words to that effect, again fell into argument on the subject of the original motion, declaring, that the deciding a judgement by a casting vote was in the highest degree indecent and improper.

Sir *Richard Sutton* said, that he must rise to speak to order, Sir *Richard* and remonstrate against the right honourable gentleman's be- Sutton. ing suffered to proceed in so irregular a manner.

The *Speaker* desired Mr. *Burke* to confine himself to explain- The *Speaker* merely; or if he meant to move the question of adjourn- er. ment, to point his argument to that motion.

Mr. *Fox* said, that he could vindicate the privilege which Mr. *Fox*. his right honourable friend had of moving the adjournment.
 "With regard to the objection made against his not having spoken

spoken agreeably to order, certainly the same objection was against any other member who had not observed the same rule precisely. He admitted likewise, that if one gentleman conformed to order, it was equally the duty of every other.

The Speaker
ca

The *Speaker* now said, Heaven forbid that any thing which comes from the chair should be partially directed against one gentleman, and not another under the same circumstances. The reason he had taken the liberty to observe what he did was, in consequence of the right honourable member (Mr. Burke) having moved an adjournment of a question without having offered the least argument in its support. This he considered against the received rules of the House, and therefore he had taken the liberty to offer what he had done. At length a violent coughing took place, which occasioned Mr. Burke to declare, that as what he had said could not be answered, so neither could it be coughed away.

Mr. Burke.

Mr. *Burke* declared, that he bowed obedience to the chair, but he could wish that it might be understood that the maxim held good

Summum jus summa injuria.

He added, "I rise in support of the eternal principles of truth and justice, and those who cannot or dare not support them are endeavouring to cough them down."

A violent cry of "Order! Order!" immediately took place, after which

Mr. Dundas

Mr. *Dundas* said, he wondered not, if the right honourable gentleman in so extraordinary a manner had insisted on his privilege of moving a question of adjournment, clearly in contradiction to the sense and feelings of the House, that the House should insist on its privilege of coughing. He said, he was not the personal enemy of the right honourable gentleman; if he was, he should have wished him to have acted exactly as he had done that evening.

At length the question of adjournment was put, and negatived without a division.

The original question was then put, and the House divided on it, Ayes, 21; Noes, 128.

The House adjourned.

Tuesday, 20th March.

No business occurred sufficiently material to give occasion to a debate.

Wednesday, 21st March.

Mr. Chancellor Pitt.

Mr. *Chancellor Pitt* solicited the attention of the House to a proposal which (he observed) would, doubtless, meet a very general concurrence, from the very high esteem in which the learned

learned Judge, on whose part it came, was universally considered from his uncommon talents and distinguished integrity. Sir John Skinner, late the Chief Baron of the Exchequer, was now in an advanced period of his life. The state of his health rendered it necessary for him to withdraw his services from that situation which he so long and so eminently sustained; but the manner in which he did it corresponded fully with the propriety of his general conduct. Having so ably filled this arduous post, he resigned on terms of such unprecedented liberality as was worthy of imitation, and should be remembered with his merits. Mr. Pitt, now, moved, "That the Chairman be instructed to move for leave to bring in a bill for granting a supply to His Majesty, enabling him to confer a reward on Sir John Skinner, Knight, late Chief Baron of the Exchequer, for his able and upright discharge of his duty in the station which he so long filled."

Mr. *Burke* mentioned, that having so frequently interfered in matters of supplies, it might not be superfluous in him to observe, that there never came a proposal for a grant on better principles of acknowledged service and merit than the present; for, never was an office so exalted and laborious, filled with more diligence and integrity, and resigned with more dignity. He concluded with seconding the motion, which was carried unanimously, and the House resumed.

Mr. *Bastard* rose to make a motion for dividing the consolidation duty bill, the one to contain the clauses relative to the commercial treaty, the other to be confined wholly to the regulations respecting the consolidation of the duties in custom and excise. He remarked, that reluctant as he should be, to impede the measures of Administration, he was relieved from that embarrassment, by having given his support to the two distinct measures comprehended in the bill; and he had no motive whatever for rising to bring forward the motion which he meant to submit to the House, but the consideration that it was unconstitutional to blend and mix two separate objects in one bill, and by those means to deprive the members of the House of their clear and undoubted right to give their vote distinctly on each distinct measure. Mr. *Bastard* enlarged on this idea, and said, that the principle of putting the part of the bill respecting the commercial treaty under convoy of the part of the bill relating to the consolidation of duties was a principle which ought, in his mind, never to be adopted by a Minister, nor submitted to by that House, because it held out a most pernicious example of coupling considerations that ought to be kept separate. In the present case, the consolidation of duties was a measure universally approved, but respecting the commercial treaty with France, there certainly was some difference of opinion, gentlemen ought

therefore to be afforded an opportunity of giving a distinct and separate vote upon each subject, and it was almost treachery to their constituents to submit to the evasion of such separate and distinct vote, by suffering the two objects to be put into one bill. If it were now submitted to, a precedent would be established, which might be carried farther in future, and the most atrocious and bad measure might be conducted through, under cover of a good and favourite measure, with which it might be coupled. He declared, that he was far from meaning to suggest, or to insinuate that the right honourable gentleman had been actuated by any improper motive, in putting the two objects into one bill; on the contrary, he was ready to admit that the reasons alledged in debate, the other day, were the true reasons, but he was far from thinking them sufficiently strong to justify a deprivation of the privileges of the members of that House, who had not only a right, but were in duty bound to vote distinctly upon each distinct object of debate. He asked, how were the constituent electors of Great Britain to judge of the conduct of their representatives, or to know whether they were worthy again to be sent to Parliament, but by their distinct votes? and how could they tell whether their votes, in the present instance, if the bill were suffered to remain undivided, were governed by their approbation of the French treaty, or their approbation of the consolidated duties? He concluded with moving.

“That it be an instruction to the Committee of the whole House, to whom the bill for repealing several duties of customs and excise, and in lieu thereof, and for applying the said duties, together with the other duties composing the public revenue, and for permitting the importation of certain goods, wares, and merchandizes, the product or manufacture of the European dominions of the French King with this kingdom, should be referred, that they have power to turn the said bill into two bills, if they think fit.”

Sir William
Lemon.

Sir *William Lemon* seconding the motion, added that his honourable friend had so fully stated his reasons for bringing it forward, that little remained for him to add on the occasion. He had no motive whatever for supporting the motion, but an idea that the members of that House ought not to be deprived of their constitutional right of giving a separate and distinct vote on each separate and distinct object of deliberation. He had been a supporter of both the measures, and it was therefore indifferent to him whether they were carried into effect by one or by two bills; but, he thought, as there had been a difference of opinion respecting the French treaty, that gentlemen ought to be allowed to give a distinct negative to that measure which they were now deprived of doing, on account of its being coupled with the consolidation of duties, which

was universally approved. Sir William professed himself to be a friend to the commercial treaty, which he conceived he had a right to say met with the approbation of the country, since no objection had been made to it without doors.

Mr. *Vyner* declared, that he could not join with the ho- Mr. Vyner.
nourable Baronet in praising the commercial treaty, notwithstanding his intentions to support the present motion. Having objected to every resolution proposed respecting it, and having uniformly voted against each of the resolutions, it was impossible for him to take the same ground with the honourable Baronet, and declare, that he should vote for the motion because he approved of the French treaty. He considered the treaty as a measure highly objectionable. He declared it a measure, the effect of which was our breaking with all our old Allies, and connecting ourselves with a new Ally; and that a power which always had been hostile to this country. That alone was a serious ground of objection, and sufficient in his mind to warrant that House in putting a negative upon that part of the bill. But another objection against the commercial treaty and the consolidation of duties being blended in one bill was, that the treaty was expressly to continue only twelve years, whereas the consolidation of duties was general and unlimited. With regard to the treaty's continuing for twelve years, he had not the least expectation; he supposed it would be adhered to on the part of France just as long as it would serve for France to get a knowledge of all our manufactures, and to draw over our artificers and manufacturers, and then at a convenient time for themselves, they would break it.

Mr. Chancellor *Pitt* remarked, that as the present was by Mr. Chan-
cellor Pitt.
no means a fit stage for debating the principle of the French treaty, he should take no notice whatsoever of any thing that had fallen from the honourable gentleman who spoke last, as the whole of his speech was confined to arguments against that measure, and contained nothing that could apply to the motion then under discussion. To the honourable gentleman who had made, and the honourable Baronet who had seconded the motion, and who, he was convinced, had done so from no uncandid or indirect motive, having each of them fully expressed their approbation of both measures in agitation, as well of the French treaty as of the consolidation of the customs, he was convinced that their only object was to have those two measures carried into execution in a manner most consistent with the forms of Parliament, and the true principle of the constitution. The honourable gentleman who made the motion had done him but justice in acquitting him of any disingenuous intention in coupling the two projects in one bill; for, in fact, instead of securing the accom-
plishment

plishment of the more objectionable, by connecting it with the less, he ran the risk of losing that which, perhaps, every gentleman approved, by uniting with it one from which they were averse, for, it was certainly more to be apprehended that gentlemen would oppose a measure, one part of it being disagreeable to them, and the other not so, than that they should give their support to one that they disliked, in order to insure one to which singly there could be no possible objection. And this was an argument by which he wished gentlemen would regulate their practice; for, if any gentleman felt objections to the treaty, although a friend to the Consolidation of customs, or, on the contrary, if any gentleman, though approving the treaty, was yet averse to the consolidation, it was in that case the duty of every such gentleman to vote against both, coupled as they were, because, by rejecting both, the House would not be precluded from taking up again separately, and by itself, that which was not liable to objection. He must, however, combat one position laid down by both those honourable members, "that it was un-parliamentary and unconstitutional for any two subjects to be tacked together in one bill;" for, though he admitted, that to submit any two propositions in one and the same resolution to the House, such propositions differing in spirit and effect essentially from each other, and liable to meet with different sentiments and opinions from the House, would be highly improper and objectionable, yet in a bill consisting of the subject matter and result of several separate resolutions, there must almost always necessarily be included variety of matter. To illustrate this statement, he observed, that even if the motion were carried, yet the principle laid down by the honourable gentleman would by no means be established, for still the bill for consolidating the customs must unavoidably contain as many different provisions as there were different articles of importation, for every one of them was to be the subject of a separate and new regulation; nay, it was not merely to contain a great variety of different duties, but the very principles of those duties, were, in many instances, to be different, particularly in the case of *ad valorem* duties. Would the honourable gentleman then wish to have the bill for the consolidation of the customs, divided into as many separate bills as there were articles in the schedule of articles of importation? for unless that were to be done, the principle which had been now attempted to be laid down, must be departed from, and the following such a principle would so multiply and embarrass the business, that it would not only be difficult, but also impracticable to proceed in it. Having thus contended that the principle did not, and could not possibly exist, he had nothing more to do than to shew the two honour-

honourable gentlemen, that by adopting it at present, the very measures of which they had expressed their joint approbation, would, so far from being promoted, become very much retarded, and possibly defeated. He made several suppositions of the different methods by which the two plans could be carried into effect separately—first, he supposed that the treaty was to have the priority, and if that were the case, he observed, there must be made a very considerable reduction in the duties on French commodities, and those duties being already appropriated to particular funds, for paying the interest of the public debt, such funds must necessarily be diminished, by reducing the duties of which they were composed, without providing any equivalent to answer the purposes for which the several appropriations had been made. On the contrary, he put the case, that the plan of consolidation should be first carried into execution, the consequence then would be, that in that measure it would be absolutely necessary to regulate the duties on French commodities, as well as on others, which would be making regulations, before the grounds of necessity on which such regulations were to be made had been enacted.

Mr. Fox admitted, that there was something more of difficulty now, than there would have been at first in dividing the bill, but that difficulty the right honourable gentleman had himself created. The only point in which he saw difficulty, was in the duties upon such French goods as were not enumerated in the tariff, but he stated how that might be managed. He then proceeded to argue upon the impropriety of having the two objects blended in one bill, and said, he not only perfectly agreed with the honourable gentleman who made the motion, that individual members of Parliament had a right to give a distinct and separate vote on each distinct and separate subject of debate and legislation, but what was of still more importance, that House had a right to decide upon each subject that came before them separately and distinctly, and the putting the commercial treaty and the consolidation of duties into one bill clearly deprived the House of that right. Mr. Fox contended against the position, that instead of curtailing the powers of negating the commercial treaty, by joining it to the consolidation of duties, it added to them, and put each measure to a double risque. As well as their constituents having a right to know the reasons, that governed their votes upon each separate and distinct measure that came under consideration in the House, they as representatives had a right that their reasons for voting upon every distinct measure should be known, and in the present case it was impossible for their reasons to go to their constituents. They might, he said, be

be called upon to vote one day for the bill, on account of the consolidation of duties being approved, and the next day to vote against it, on account of the commercial treaty being disapproved. He spoke also of the difficulty in which the House of Lords would be put by the two objects being blended together in one bill; and said, instead of affording their Lordships reason to complain of the House of Commons for having narrowed their grounds both of debate and of voting, the House ought studiously to avoid giving cause for such complaint. The right honourable gentleman had laid great stress on the delay that separating the bill, and dividing it into two, would occasion, and had at the same time admitted, that if it had been originally divided into two bills, they might by that time have gotten to the length they had arrived at. With regard to the delay of a fortnight, he saw no force in that, as an objection to dividing the bills then; and in his mind, a degree of precipitation bordering upon indecency had been used in passing the resolutions.

Mr. W.
Grenville.

Mr. *W. Grenville* observed, that the right honourable gentleman (Mr. Fox) had been himself obliged to confess, that there would be a difficulty in separating the bill, on account of the duties on goods not stated in the tariff; and maintained, that the difficulty alluded to, were of itself a sufficient answer to all that had been urged by the right honourable gentleman, as the whole line of his argument had been inconsistent with the admission of that difficulty. Mr. Grenville contended, that the right honourable gentleman (Mr. Fox) had not reasoned fairly upon what had been said by his right honourable friend, who clearly demonstrated, and in his mind incontrovertibly proved, that the bill could not be divided into two without manifest inconvenience, and even the risque of the consolidation of duties. The right honourable gentleman said, that his right honourable friend had laid great stress on the argument of delay. He did not recollect that his right honourable friend had laid any stress whatever on delay; certain he was, no improper precipitation had been used in any part of the business of the commercial treaty. With regard to the resolutions that the House had come to, it was essentially necessary that with all reasonable dispatch the Public should be made acquainted with the sentiments of Parliament respecting the treaty, and therefore the resolutions had been early moved; but he appealed to the House, whether they had not had a full opportunity of discussing every one of them, and considering them in all their bearings. With respect to the House of Lords, he saw no ground for arguing, that putting the two objects into one bill, would at all narrow their right of debating or voting. Had the bills been distinct, each of them
would

would have been a money bill, and consequently the Lords could only have rejected or passed them. But how could it be contended that they had any reason to complain, when by having sent the resolutions of that House up to the Lords, their Lordships had been admitted to a full opportunity of discussing all the topics the resolutions referred to, and had done so notoriously. They therefore had disposed of their opinions as to the particulars of the commercial treaty, and might still reject the whole of the bill, if they thought proper. Mr. Grenville concluded with declaring, that he should oppose the motion, as he was clearly convinced that it would be a most inconvenient, if not an impracticable measure to separate the bill and divide it into two.

Sir Grey Cooper observed, that as he had some short time since moved a question substantially the same as the present, and had given the reasons and grounds for his opinion on the matter, he would not have presumed to speak again on the subject, if his mind did not continue to be impressed with the clearest conviction, that the keeping the bill for rendering the commercial treaty with France effectual, united and incorporated with the bill for the consolidation of the revenues of customs and excise, was a dangerous breach of the forms and rules settled and established by long and uniform practice and usage, not only for the regularity and order of the proceedings of that House, but in the intercourse between the two Houses in their legislative capacities, and particularly in the mode of passing bills. But the right honourable gentleman had put his defence of the measure of joining those two bills together (which he admitted, ought, if possible, to have been kept separate) upon the extreme difficulty and inconvenience there would have been in adjusting the consolidation bill to the French treaty. To that he answered, that arguments from inconvenience could not justify the departure from the rules and orders of parliamentary proceeding in passing bills. But he conceived, that if the consolidation bill had been first passed, (which might have been easily accomplished since the 26th of February last) and all the various duties had been revoked, and all the appropriations re-adjusted to the new plan, not only the tariff for the French treaty, but the new book of rates for carrying the seventh article into execution, might have been established by a separate bill for rendering the French treaty effectual; and there certainly ought to be a separate book of rates for duties which were to last only for twelve years, but which, during that period, might have been so formed, as not to embarrass the execution of the general consolidation bill. He cited several precedents from the Journals of cases from 1680 to 1774, to prove, that whenever two or more distinct

distinct and independent matters were united in one bill, the members declared, that "they could vote for one part, but not for the other." Motions for instructions, similar to that proposed by the honourable member, had never in any instance been refused. He challenged any master of order to produce one precedent of such a refusal. He said, that the most important part of the question was, that by this departure from the established rules of proceeding between the two Houses in the mode of passing bills, the most essential privileges of that House, and the constitutional rights of the People might be endangered: for instance, the Commons were entitled to insist, that the Lords should make no alteration whatsoever in a bill of supply, or for the imposition of duties; but that House had never been so absurd as to deny the privilege of that branch of the Legislature, to give their dissent to every proposition which they should disapprove: when they sent up to the Lords a bill consisting of two distinct and independent propositions, or in other words, when they tacked the French treaty to the bill for simplifying public-accounts, and consolidating the duties, they did in effect control the privilege of their free dissent, and compelled them to take all or none. In the year 1699, when a similar attempt was made by sending up to the Lords a bill for granting an aid to His Majesty by sale of forfeited estates in Ireland, and by a land tax in England, the Lords expressed their resentment in arguments of great weight, entered on the Journals of the House of Lords, in which they insisted, at a conference, that such proceedings were destructive of the freedom of debate, injurious to the privileges of the Peers, and dangerous to the Constitution; and the Lord Chancellor, in his speech to both Houses in 1678, observed, that tacking together several independent matters in one bill, must tend to provoke the other branches of the Legislature to depart from those rules to which the long-established forms of Parliament had confined them, and could have no other effect than finally to introduce disorder and confusion. With respect to the proceedings in the Committee which was instituted on the 6th of February last, to take into consideration so much of the King's speech as related to the simplifying the public accounts, he found, to his surprise, upon looking over the schedule of the duties of customs, that new taxes had been imposed by more than one hundred resolutions upon timber for ship-building, deals, battens and staves from any part of Europe, to the amount of one farthing for each gallon which they contained; and he could confidently assert, that the mode of proceeding in laying those additional duties was informal and irregular, and

contrary to the letter and the spirit of the standing order in 1667, respecting the composition of new duties.

Mr. Chancellor *Pitt* answered, that he could not let a charge brought against him by so respectable an authority escape unnoticed, and the more especially as he was persuaded, that he could easily prove that the honourable Baronet was mistaken. The honourable Baronet had declared, that he spoke with more than usual confidence when he charged him with having, without notice and by surprize, introduced the regulation of duties upon various articles into the bill; but he was in the recollection of the House, whether he had not, in his opening of the subject of the consolidation of duties, expressly stated, that it would be necessary to regulate certain duties beyond the conversion of the fractions into integral parts, and that when he came to such duties, he would not fail to call the attention of the House to the subject.—At the same time he had particularized timber as one of the articles upon which the taxes would be to be regulated; and the honourable member for Hull had at the time risen in his place, and declared, that he should have something to say upon that subject, when it was under consideration: in compliance with his notice he had afterwards fully stated to the Committee the grounds upon which the new regulations were made, and it had then undergone discussion. The honourable Baronet had talked of the new duty being about a farthing a gallon: measuring by the gallon was not very usually a mode of measuring timber; but the fact was, that the regulated duties referred to timber, and the farthing a gallon had been mentioned as the effect which the laying additional duties on staves would have upon the spirits imported in pipes and hogheads.

Sir *Grey Cooper* observed, that notwithstanding what had fallen from the right honourable gentleman with such an air of triumph, he should not hesitate to assert, with all his former well-grounded confidence, that the voting without a previous instruction to the Committee, additional duties on several articles of wood imported for different purposes from Russia and Prussia and other places in Europe, was an informal and irregular parliamentary proceeding. With regard to the mode of measuring timber by the gallon, the ridicule was at once unworthy and unmerited, for every gentleman must know, that he meant to allude to spirits, when he said, a farthing a gallon would be the difference made by the new regulation of duty on pipe staves, staves of hogheads, and kilderkins.

Mr. *Martin* professed great confidence in the right honourable gentleman's good intentions, but said, that he should think meanly of himself, if he gave up his independence

dence as a member of that House: he had supported the commercial treaty, because he conceived it to be a wise measure, and likely to prove advantageous to the country; but he should vote for the present motion, as he thought the arguments on which it had been rested extremely strong, and was not convinced that they were otherwise by any thing which he had that day heard from the right honourable Chancellor of the Exchequer.

Mr. Baſſard Mr. *Baſſard* declared, that he was confirmed in his ſenſe of the propriety of the motion, by the argument of the right honourable gentleman oppoſite to him, ſince that right honourable gentleman had himſelf admitted, that the Houſe had a right to give their diſtinct votes on each diſtinct meaſure: why then did the right honourable gentleman reſuſe to permit the Houſe to exerciſe that right, which he admitted ſo clearly belonged to them? The freedom of voting was not leſs valuable than the freedom of debate, which the right honourable gentleman had himſelf ſaid that Houſe ought to enjoy.

At length the queſtion was put, and the Houſe divided;

Ayes 65, Noes 184; Majority 119.

The Houſe adjourned.

Thursday, 22d March.

Mr. Francis Mr. *Francis* begged leave to ſubmit to the Houſe a propoſition, which he conceived would give facility to the public buſineſs, and meet with general approbation. It was reſpecting the examination of the witneſſes relative to the charges then before the Houſe. There were certain material points in the charge, which he had particularly undertaken to bring before the Committee, viz. that concerning the revenues, which made it neceſſary to examine a few gentlemen. When the witneſſes had laſt been at the bar, the attendance was extremely thin; the propoſal therefore that he had to offer was, that inſtead of examining the witneſſes at the bar of the Houſe, they ſhould be examined before a Committee above ſtairs, and that Committee be directed to report the evidence to the Houſe.

Mr. Dundas Mr. *Dundas* obſerved, that there was one obvious objection to this propoſal, which was, that a Committee would neceſſarily be compoſed of a certain ſelect number, whereas every individual member had a legal right to be preſent when the witneſſes were examined, and to take part in the examination, if he thought proper, and, indeed, eſpecially ought to be ſo in a criminal proceeding, on which the Houſe was to decide as accuſers. If by making it an open Committee, this objection could be removed, perhaps the propoſal might not be much reſiſted. Mr. *Dundas* ſaid, that he would take the

the present opportunity to offer a few hints, which without meaning to say any thing harsh, to gentlemen on the other side, it became an indispensable duty to suggest to the House relative to the proceeding in which they had been for some time engaged. He then remonstrated on the practice which they had seen continued of calling for voluminous papers just a day or two before every new and separate charge was about to be opened. Such a custom must tend, not only to confuse gentlemen's minds, and keep them in continual labour, but had a very awkward appearance. Either, when the right honourable gentleman opposite to him made his charges first, he was satisfied that he was in possession of sufficient evidence to support them, or he was not. If he had been satisfied, why call for more papers just a day or two before every charge was to be opened? He would move, for the future, that no papers should be asked for, or granted, unless gentlemen came and stated, that upon a closer examination of the particular charge, they had undertaken to move, that they discovered that certain links in the chain of evidence, necessary to support the proof of the facts stated in the charge, were wanting, and upon such an assertion made out to the satisfaction of the House, no gentleman would be so unreasonable as to refuse the granting of those papers. Another consideration which he wished to submit to gentleman was, the state and situation of the business of the intended impeachment, and the period of the year. Every gentleman must, he conceived, be extremely desirous to have the impeachment go up to the House of Lords in sufficient time to have it put into a way of trial at least this session; and at any rate, it would, he should imagine, be disgraceful to that House, if they did not contrive to have done their part so far, as to have formed the articles of impeachment by the beginning of May, and to have enabled the House of Lords to proceed upon the trial in that month. He could not therefore help expressing his surprise, that the right honourable gentleman opposite to him, and the other honourable gentleman who had hitherto conducted the business, had not moved to report the resolutions come to by the House, and also moved the necessary questions upon them, so that those professional persons, versant in the nature of legal evidence, and the practice in cases of criminal proceeding, whose assistance he presumed would naturally be looked to, might, while the Committee were inquiring into such remaining charges as were meant to be brought forward, be at the same time going on in forming the articles which were to be the articles of impeachment to be ultimately carried up to the House of Lords. Undoubtedly the opinions of the right honourable gentleman who had

brought in all, and those other gentlemen who had opened some of the charges, would have, and ought to have, very great weight with the House throughout the business: surely then, those gentlemen ought to consider, what he had before adverted to, the period of the year, and the increasing probability of attendances becoming more and more thin.

Mr. Burke.

Mr. *Burke* thanked the right honourable and learned gentleman for the propositions which he had made, and the very judicious observations with which he had accompanied them. He gratefully accepted the propositions, and would certainly adopt them; but the right honourable and learned gentleman must permit him to say a few words on some parts of what he had urged. With regard to calling for papers, he was willing to agree to call for no more, but upon the condition suggested by the right honourable gentleman; and he could assure him, that he had not called for any in the course of the present session, or scarcely any for the purpose of satisfying his own mind as to any one of the charges, or of the facts contained in them. His own mind had been long since completely satisfied; but he had called for them to satisfy the minds of others, and in order to remove doubts stated and suggested in debate upon the charges already heard. When therefore it happened to him that a paper would tend at one and the same time to elucidate passages and parts of any charge about to be opened to the Committee, and to clear up and remove doubts that had been stated respecting any parts or passages of charges already examined into, he had thought it right to call for that paper, but he had never called for an unimportant paper, or unnecessarily put papers upon the table. With regard to the conduct of the impeachment, most certainly the aid of professional men, men versed equally in the law of Parliament, and the law of evidence, must be had and obtained; for although he knew, from long experience, something of the law of Parliament, and had in the course of his life looked frequently into law books on different subjects, he meant not to trust the issue of a matter so important in every point of view, to so weak, uninformed, immature and incompetent an head and understanding as his own. He had the utmost anxiety upon his mind, that the matter should go up to the Lords in a shape regular, complete, formal, and perfect; that, the House should not be liable to sustain the disgrace of having sent up and prepared an impeachment, every point of which did not *prima facie* appear to be significant of the gravity, caution, and solemnity which ought to mark the conduct of the House of Commons in such an awful proceeding. Mr. *Burke* expatiated on this idea, and said, that his whole attention had long been engrossed by the subject, and that there was not on record

cord a proceeding at all similar to which he had not adverted, and closely examined, and he could not but acknowledge, that scarcely any one of them appeared to him to have been managed with due attention, or rendered in any proportion so complete and perfect, as, in his mind, it became the honour and dignity of that House to have made them. He mentioned some of the rights which had been claimed by that House on such occasions, and said, that although he should be very sorry that there should ultimately appear to be any real occasion to take advantage of them, yet he should hold it unwise, if, on the ensuing, or any other occasion, that House were entirely to abandon them. He mentioned one in particular, which former precedents justified, and that was, that the House should persist in its right of laying, at the bar of the House of Lords, *This article the House of Commons does not insist on*, and to exercise that right as often as occasion should render it necessary or discreet.

Mr. Francis observed, that one objection stated by the right honourable and learned gentleman (Mr. Dundas) was, in speculation and theory, so obvious, that it appeared to be unanswerable; but compare it with the fact, and it would then sink to nothing. The right honourable and learned gentleman had said, that every member had a legal right to be present at the examination of witnesses at the bar, and to take part in it, if he thought proper, and that appointing a Committee would narrow that right, and limit it to the number of members. In speculation and theory, the assertion was true, but how stood the fact? In the examination of witnesses on the preceding Tuesday, scarcely more than eight members were present the whole day. He wished, therefore, to create an attendance, and the Committee which he had meant to propose, would, he was persuaded, attend their duty. Mr. Francis added, that the remaining six witnesses would take up but a very short time to examine, as he had not above six or seven questions to put to each.

The Speaker confirmed the fact, as to the smallness of the number of members present on Tuesday.

Mr. Chancellor Pitt declared, that he perfectly coincided with his right honourable friend (Mr. Dundas) who sat near him; and then proceeded to corroborate that gentleman's argument, and having substantiated all which had fallen from him on the subject of written evidence, he applied the same reasoning to prove the impropriety of calling any more witnesses whatever to the bar, in the present advanced stage of the prosecution, unless it could be clearly shewn that some farther information was absolutely necessary, and that without such, there would be a material deficiency in that body of evidence on which their proceedings were to be founded.

But

Mr. Francis.

Mr. Chancellor Pitt.

But he declared, that he should be particularly jealous of any proposal for the examination of witnesses, which should come from the honourable gentleman opposite to him (Mr. Francis) after the dishonourable and disgraceful situation into which he had, on a late occasion, involved the House, by the shameful and uncandid advantage which he had taken in his examination of Captain Mercer. He inveighed against the conduct of Mr. Francis, contending that he had first procured, by his own immediate and palpable interference, a letter to be written to him by Captain Mercer, containing the grossest and most violent calumnies against Mr. Hastings, and then so managed the examination of that letter, as to cause it to be entered upon the minutes of the Committee, thereby making the House in some measure the accomplices in recording and publishing a most indecent libel. He argued against, what he called, the illiberality of such a mode of proceeding, and the dangerous tendency of adopting the practice into which the House had been led by the honourable gentleman, of taking a written document as evidence, when the very person who had composed it (and that clearly with a view that it should be produced as evidence) was present, and might be examined *viva voce*. He should, for these reasons, therefore, upon the ensuing day, object to the examination of any farther evidence whatsoever. As to the project of examining witnesses in a private Committee, to that he should also give his most determined negative, as well on the grounds of the manifest injustice of such a proceeding in a criminal inquiry, as from the proof before the House, from the recent transaction to which he had alluded, that such a step, illegal in itself, would probably be pushed to the very utmost extent of its bad and dangerous consequences.

Mr. Francis

Mr. Francis answered, that it was impossible, after so personal and direct an attack, not to say a word or two in his own defence. In the first place, he denied that the letter was written at his instigation. With respect to Captain Mercer, he was not acquainted with him personally, nor had he been ever in his company till he saw him at the bar of the House. He knew him by character only, and a more respectable trader, a man of fairer and more unimpeached character never acted as a trader in India. What he wanted to get at, by calling upon Captain Mercer as a witness, was in respect to the opium sent out by Mr. Hastings to China. When Mr. Hastings took up ships for that purpose, Mr. Hastings had asserted, that there were no bidders for the Company's opium. The fact was, Captain Mercer had come to Calcutta to bid for it, and was willing to pay for the whole of it in ready money. It was, therefore, to that point

point that he wanted to examine Captain Mercer. In order to ascertain whether Captain Mercer knew any thing about the opium, he had desired a friend to call upon Captain Mercer, and the Captain had written him the letter. How could he help that? When he read the letter, he was sorry to find so much of the contents irrelevant, and the reason was, he knew the use, that artful and ingenious men might make of it in that House. But then he was obliged to produce the whole letter or no part of it. Had he only produced an extract, and it ever had been found out, that parts of it had been kept back, he should have been charged with the suppression of evidence, and many things would have been said of him, that would have been extremely unpleasant. With regard to the witnesses to be examined, he had the order of the House for their attendance, and as the points he meant to examine them to, were material, he hoped he should be permitted to call the witnesses to the bar, if he might not examine them before a Committee, especially as he could answer, for himself at least, that their examination would be extremely short.

Mr. Chancellor *Pitt* contended, that Captain Mercer's letter had been apparently written at the instigation of the honourable gentleman, as was evident from every circumstance attending the whole transaction. He then read the letter, commenting upon it as he proceeded.

Mr. Chancellor Pitt.

TO PHILIP FRANCIS, Esq.

“ Sir,

“ Major Webber having called some days since at my friend Mr. Walker's in Upper Charlotte Street, to inquire if I was returned from Ireland, and Mr. Archdekin having called this morning when I was from home, and having mentioned to Mr. Walker the purport of the former gentleman's visit, as well as of his own, which was to inquire, for your information, whether any positive or specific offer had been made by me to Mr. Hastings for the purchase of a considerable quantity of opium, which was exported on the account and risk of the Company, upon the pretext or supposition that merchants would not buy it as they always had done in former years, and Mr. Archdekin having mentioned the probability of my being examined in a few days in the House of Commons touching the above business, I shall take the liberty of relating in this letter all I know of it, to the end that you may judge, whether such an examination is of any importance or not in the present stage of East-India business.

“ When

“ When the inutility and monstrous expence of the little Bengal Squadron of little men of war had fully appeared, and Government thought proper, in consequence thereof, to sell the ships which composed it, -I became the purchaser of the ship called the Resolution; and having followed no other than the trade to the Malay Coast and China, and meaning to continue it even upon a larger scale than heretofore, and to increase the probability of success therein, I thought it expedient to proceed to Bombay, to dock and sheath my ship with copper. This being done in June 1781, I arrived in Bengal in August of the same year, and had the mortification to be informed by my friend Mr. Charles Weston, that he had not provided any opium for me, because (said the honest man) it has not been this year put up to public sale, upon a presumption that there would not be any buyers, and we are told that it is all to be exported on the Company's account, and the reason assigned for this novelty is, a presumed want of experience in the merchants to purchase.

“ Upon this occasion I joked a little with my friend, asking him if any rumours of my death or shipwreck had been circulated in Calcutta, for without that the Governor and Council might presume there would be at least one very considerable purchaser.

“ My friend Weston's information, corroborated by the general report of the town, that the opium was this year to be exported on the Company's account, did not satisfy me. I had prepared my ship at a large expence for an important voyage. I was willing to buy opium, and would not drop the design until I should be informed by government authority that it could not be effected: with this view I repaired to Mr. Wheeler, (Mr. Wheeler at this time (August 1781) was acting Governor General and Council in his sole person, Mr. Hastings being then beleaguered or besieged in the fort of Chunar Ghur, in consequence of his expedition to Benares) and Mr. Wheeler informed me, that it had been resolved to export the opium of that year on the Company's account, and that this resolution had been taken from an opinion that merchants would not purchase as heretofore. I expressed both surprize and disappointment. Surprize! because Charles Weston had an actual commission in his pocket to purchase a large quantity for me at whatever might be the market price, and to extend it still farther and beyond my usual annual quantity in case the price was moderate. Disappointment! because I had prepared my ship at a great expence for an opium voyage, and did not at that moment know what to do with her.—Mr. W. said, he

“ was

“ was also sorry, and continuing the conversation, I saw
 “ that the exportation arrangement had been lately taken;
 “ for he (Mr. W.) confessed that the ship of Mr. Thorn-
 “ hill, which was to carry the opium to China, was not
 “ then arrived from Bombay.

“ Conceiving from this, that possibly the resolution of
 “ council for exporting the opium on the Company’s ac-
 “ count was not irrevocably taken, I made what I thought
 “ a very bold, and what ought to have appeared a very ad-
 “ vantageous offer to the Company, viz. to buy all the
 “ Company’s opium then in Calcutta, amounting to 1300
 “ chests, and which was designed to be exported under the
 “ management of Mr. Thornhill, at the rate of 375 cur-
 “ rent rupees per chest; and as it was well known that the
 “ treasury was at that time perfectly empty, I added, as an
 “ inducement, that I would pay the whole purchase money
 “ down in six days time. Mr. Wheler refused, but in re-
 “ fusing he seemed to think it necessary to give reasons for
 “ rejecting a proposition which most men would have
 “ thought exceedingly a propos and convenient for the pub-
 “ lic emergencies; and certainly, Sir, his reasons were such
 “ as would not be offered by any one who had observed and
 “ reflected upon the general management of the Company’s
 “ commercial affairs in India; for example, ‘ If,’ says he,
 “ you expect to make advantage by purchasing this opium,
 “ and exporting it on your own account, why should not the
 “ Company expect an equal advantage upon the exportation
 “ of it on their own accounts?’ To which I agreed, provid-
 “ ed the Company could find a man to serve them with
 “ the same fidelity as Thomas Mercer would use in serving
 “ himself. There passed much other conversation between
 “ us, and in conclusion he recommended me to make my
 “ proposal to the Governor General, then at Chunar Ghur.
 “ This I refused to do, telling Mr. Wheler that the Gover-
 “ nor General would not either answer my letter, or give
 “ an ambiguous and shuffling answer to it; and I confess
 “ the last term, which is not a very respectful one, was
 “ purposely made use of in order to observe the counte-
 “ nance of Mr. Wheler, and to discover whether any of
 “ the old impressions concerning Mr. Hastings still remain-
 “ ed upon his mind. His answer and his manner both con-
 “ vinced me that he had endeavoured to efface them.—‘ I
 “ am sorry,’ says he, ‘ Capt. Mercer, to hear you express such
 “ sentiments of the Governor General.’ To which I re-
 “ plied, I am a simple, unaffected man, and have always,
 “ throughout my life, sacrificed to truth, what in many
 “ cases I might have gained by a complaisance for the pas-
 “ sions and foibles of great men, of whose weak sides I am
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“ not altogether ignorant, having had to do with several of
 “ them in different parts of the world.

“ The audience was now closed, after telling Mr. Wheeler that I would go home and reduce my propositions into
 “ writing, and would send them to him on that day; observing, that when they should be permanently fixed upon
 “ paper, he would be better able to consider them with the
 “ attention which they deserved.

“ This being done, and sent to Mr. Wheeler, I received
 “ on the next day either a note in writing or a message
 “ (for at this distance of time I cannot recollect which)
 “ desiring to see me; and having attended upon him accordingly, he told me that he was sorry the resolutions
 “ of Council could not be rescinded; and after a pause he
 “ discovered his chief motive for desiring to see me, by asking whether I considered my letter as a private or a public
 “ application? I answered, that the matter of my letter was
 “ of public concern, but that, being perfectly indifferent as
 “ to the matter of appearing upon record as a large dealer,
 “ I would leave it to himself to do with as he thought proper; for which he was pleased to thank me, and I took
 “ leave.

“ The above contains the substance, and in many places
 “ the very words which passed between Mr. Wheeler and me
 “ upon a subject, which in the issue occasioned a very great
 “ loss to the Company: I had nothing to do with Mr.
 “ Hastings, and indeed refused to have any thing to do with
 “ him; for I knew his love of novelty; and the exportation of opium to China being altogether novel, and attended with hazard as being contraband, I knew enough
 “ of his temper to be persuaded that he would maintain it
 “ with his wonted inflexibility. I knew assuredly that the
 “ man who negotiated with the Berar Raja, who continued
 “ a war with the Mahrattas very long after he knew of the
 “ war with France, who would have given up the northern
 “ circars to the Nizam, and who would have ceded to the
 “ Dutch a valuable territory for the paltry and inefficacious
 “ assistance of two thousand undisciplined Topasses, could
 “ not be diverted from his purpose by any representations
 “ which I might make, and therefore I would not take the
 “ trouble of writing to him; but I must do him justice by
 “ declaring my belief of his total ignorance of my propositions to Mr. Wheeler, for I believe they were not communicated to him.

“ I will not apologize to you, Sir, for the lengthened detail of the opium business, because I think it will not offend you; but I have cause to ask pardon for the intrusion of the greatest part of this page, as being foreign to
 “ ti,

“ it, and unconnected with it; but it is not easy to suppress
 “ our indignation, when we hear a man trumpeted forth as
 “ the Saviour of India, in whose conduct we can scarcely
 “ discern any thing but absolute Quixotism, of which the
 “ facts above mentioned are palpable examples.

“ I have the honour to be, very respectfully,

“ Sir, your most obedient, humble servant,

“ THO. MERCER.”

He said, he did not wish to throw any reflection whatsoever on the character of Captain Mercer; he might be (as the honourable gentleman had stated) the most respectable trader in India; but it was certain, that in the present instance he had shewn a great degree of indiscretion, and not a little of malevolence. He desired to know, if it were not a concerted scheme of the honourable gentleman's, how it happened that the letter at full length had been entered on the minutes, instead of proceeding in the usual and only proper method of bringing out the substance of it, if it were true, by way of question and answer?

Mr. *Francis* replied, that the right honourable gentleman had affixed his own ideas upon his argument. He had not said Captain Mercer's letter was indiscreet, that it was malevolent, or a gross libel on Mr. Hastings: he had merely said, that some of its contents were irrelevant, and that he was sorry they were so, but how could he help the fact's being so? Mr. Francis repeated his denial that Captain Mercer's letter was written at his instigation. He said, the Committee had not been taken by surprise in respect to the letter; he had put the questions relative to it fairly; and if gentlemen had thought it improper, it was their duty to have objected.

Mr. *Pelham* corroborated what Mr. Francis had said respecting the fair and open manner in which Captain Mercer had been examined, and stated the particulars.

Mr. *Sheridan* recommended more temper as a necessary characteristic of every stage of a criminal proceeding so serious and solemn as that of an impeachment. Mr. Sheridan said, it was evident the right honourable gentleman's accusation of his honourable friend had been as unfounded as his warmth had been unbecoming. His honourable friend had not instigated Captain Mercer to write the letter, but the fault had been in the right honourable gentleman and his friends not attending their duty, in which case they might have prevented any improper letter's having been brought up, read, and entered on the minutes.

Mr. Chancellor *Pitt* defended himself from the charge of improper warmth made against him by the honourable gen-

tleman, contending that no degree of indignation could be too great or unbecoming on such an occasion, where the House of Commons had been made instrumental to an act of such palpable malice and injustice. He however took the honourable gentleman's reproof in good part, and hoped they might each of them benefit by those mutual admonitions which they found it so necessary to bestow on each other.

Major Scott Major *Scott* said, that Mr. Francis had misrepresented the fact relative to the opium sent to China: the fact was not, that Mr. Hastings first let Mr. Sullivan have all the opium contract, and then sent the opium at the Company's expence to China. The opium sent to China was the opium purchased of Mr. Mackenzie, Mr. Francis's friend, in whose contract Mr. Tihglman, Mr. Francis's relation, had an interest.

Sir Gilbert Elliot. Sir *Gilbert Elliot* rose to inform the House, that it would, be impossible for him to bring forward his promised impeachment against Sir Elijah Impey before the Easter recess; and as the party to that prosecution had been in the execution of a great judicial office, and the offences with which he intended to charge him were in general of a judicial nature, of course there would attend the proceeding a great deal of legal discussion. From which consideration alone, if from no other, he should not wish to begin the business at the present time, when the gentlemen of the Bar, who had seats in that House, were in general absent on the circuits. He also assured the House, that, although the subject of his intended impeachment might appear to be diffusive and extensive, yet he hoped to be able to bring it within such a compass, as would enable the House to get through it in the present session.

Mr. Grenville. Mr. *Grenville* at length moved the order of the day for the House to resolve itself into a Committee of the whole House, on the charges against Warren Hastings, Esq. which having been read and agreed to, the Speaker put the question, "that he should then leave the chair," which being carried, Mr. St. Andrew St. John took his seat at the table.

Mr. Windham. Mr. *Windham*, now opening the charge relative to the conduct of Mr. Hastings respecting Fyzoola Khan, observed, that as it consisted of a variety of parts, divided under different heads, and each section subdivided into articles, with infinite exactness, and had been long before them, he should hold it unnecessary for him to go into any very great length of detail, in order to impress on their minds the minute particulars, but would content himself with stating and reasoning upon the leading features of the charge. Mr. Windham proceeded to state to the Committee that the Nabob Fyzoola Khan in 1774, on the invasion of Rohilkund, by

the armies of the Vizier Sujah Ul Dowlah and the Company, with some of his people, was present at the decisive battle of St. George, and that he made good his retreat into a mountainous country with all his treasure: that he there collected the scattered remains of his countrymen, and made early overtures of peace to Colonel Champion, at that time, Commander in Chief of the Company's forces in Bengal. That he proposed in three letters, received on the 14th, the 24th, and the 27th of May, to put himself either under the protection of the Company, or the Nabob Vizier, through the mediation and guarantee of the Company. That on the 27th of May he sent an Ambassador to the Commander in Chief, authorised to make a specific offer of three propositions, by one of which an annual increase of near 400,000*l.* would have accrued to the revenues of the Vizier, and the immediate acquisition of above 300,000*l.* to the Company for their influence in effecting an accommodation. That confident of the just, humane, and liberal feelings of the British, through the hopes of our interposition in his favour with the Vizier, he declined the invitation of the Mogul to join his arms and the Mahrattas, and refused to have any connection with the Seiks, and neglected other obvious advantages. That Colonel Champion thought nothing could be more honourable than our supporting so exalted a character, especially whilst it could be done on terms so advantageous. Mr. Windham read Colonel Champion's letter at length, as the best elucidation of this point, and then resumed the thread of his argument to state and reason upon the conduct of Mr. Hastings, in consequence of such an application, the general tenor of which was to obstruct, as far as he could, every advance towards an accommodation between Sujah Ul Dowlah and the Nabob Fyzoola Khan. After touching upon the manner in which at different times Mr. Hastings pursued this line of conduct, Mr. Windham came at length to the measure of the treaty of peace, concluded at Lall Dang, between the Vizier and Fyzoola Khan, which was finally signed and sealed on the 7th of October 1774, and attested by Colonel Champion, for which Fyzoola Khan paid the valuable consideration of 150,000*l.* By the treaty Fyzoola Khan was established in the quiet possession of Rampore, Shawabad, and other districts dependent thereon, subject to certain conditions, of which the most important were,

“ That Fyzoola Khan should retain in his service 5000 troops, and not a single man more.”

“ That with whomsoever the Vizier shall make war, Fyzoola Khan should send two or three thousand men, according to his ability, to join the forces of the Vizier;”

“ and

“ and that if the Vizier should march in person, Fyzoola Khan should himself accompany him with his troops.”

From these terms it was evident that Fyzoola Khan was not bound to furnish more than 3000 men under any construction, or rather that he was not bound to furnish so many as 3000, nor less than 2000, according to his ability, and that his personal service as vassal of the Vizier, was limited to the Vizier's marching in person. That, from the terms of the treaty, it did not appear of what the stipulated aid should consist, whether of horse or foot, or in what proportion; but it was the recorded opinion of Mr. Hastings in Council, in January 1783, “ that even a single horseman “ included in the aid which Fyzoola Khan might furnish, “ would prove a literal compliance with the stipulation.” That, by the attestation of Colonel Champion to the treaty, the Government of Calcutta acquired the same right to interpose with a Vizier for the protection of Fyzoola Khan, as the Government had before claimed, from a similar attestation of Sir Robert Barker to assist the Vizier in extirpating the whole nation of Fyzoola Khan. That, after the death of Sujah Ul Dowlah, Fyzoola Khan in 1777 being alarmed at the young Vizier's resuming a number of jaghires, granted by his father to different persons, and having learned that Colonel Champion formerly witnessed the treaty as a private person, Fyzoola Khan made frequent and urgent solicitations through Nathaniel Middleton, then Resident at Oude to Mr. Hastings for a renovation of his treaty with the Vizier, and the guarantee of the separate agreement for his defence

That, in March 1778, Mr. Hastings communicated a letter from Mr. Middleton, acquainting the Board, that he (Middleton) taking occasion from a late application of Fyzoola Khan, had appointed Mr. Daniel Octavius Barwell, assistant Resident at Benares, to proceed with a special commission to Rampore, to inquire into the truth of certain reports, touching the conduct of Fyzoola Khan. That Mr. Hastings moved, that Mr. Barwell's deputation be approved, and that the Resident, Mr. Middleton, be authorized to offer the Company's guarantee for the observance of the treaty subsisting between the Vizier and Fyzoola Khan, provided it meets with the Vizier's concurrence. That the proposition was resolved in the affirmative, and that the ultimate consequence was, Mr. Middleton was authorized to conclude the treaty, and that it was transmitted by him to Mr. Barwell at Rampore, and by him presented to the Nabob Fyzoola Khan, who delivered a nuzzar, or present of elephants, horses, &c. and added a lack of rupees for the use of the Vizier, and another lack for the Company. Mr. Wind-

ham now pointed out where these circumstances indicated ill treatment and oppression on our part, and submission and obedience on the part of Fyzoola Khan, and came at length to state the demand for five thousand horse, in November 1780, though Fyzoola Khan, according to treaty, was only obliged to furnish from two to three thousand troops, according to his ability. He commented upon this demand as very injurious, by proving that it was expressly contrary to treaty, and that all the subsequent steps taken in consequence of it were in the highest degree oppressive and unjust. At length Mr. Windham came to mention the treaty of Chunar, which he stated to contain an article amounting to a direct violation of our guarantee of that treaty of Lall Dang. He pursued his argument in tracing the consequences of that treaty to the obtainment of a subsidy, reading the most essential of the letters of Major Palmer and Mr. Bristow, on the subject of the negotiation carrying on by Major Palmer, for the obtainment of the said subsidy, in behalf of the Vizier, but to be paid to the Company in liquidation of his debt to them. After describing the prominent features of the charge, Mr. Windham moved, "That the Committee, after having maturely considered the said charge, are of opinion, that it contains matter of charge of high crimes and misdemeanors against Warren Hastings, Esq."

Major Scott said, that he had waited to see if any other gentleman wished to offer himself to the Committee before he rose to submit what he had to mention for their consideration. The honourable gentleman who opened the charge had not introduced any new matter; and as the defence of Mr. Hastings had so very fully taken in every part of the charge, he should not fatigue the Committee by reading what had already been perused by every gentleman present. Fyzoola Khan, so far from having received any injury from Mr. Hastings, or the British government, had in fact derived security, honour, and prosperity, from his connection with us, and Mr. Hastings had at all times been peculiarly cautious to prevent any infringement of his rights. It would be allowed, he was sure, that there never was a treaty more loosely worded than the treaty of Lall Dang, by which Fyzoola Kahn was bound to furnish two or three thousand troops. This stipulation he was freed from by the payment of one hundred and fifty thousand pounds, which was appropriated by the Nabob Vizier to the liquidation of the Company's debt. By that settlement, every possibility of future doubt or difficulty was removed, and during the thirteen years that Fyzoola Kahn was under our protection, he enjoyed uninterrupted peace and prosperity. Where then was the injury which Fyzoola Kahn had sustained; or the high

high crime and misdemeanor which Mr. Hastings had committed? In arguing these charges, it had been invariably the custom to go into the general subjects, he should therefore, he hoped, be excused for saying a few words relative to another charge connected with this, in some degree, as both originated at the treaty of Chunar. Mr. Hastings had been censured for withdrawing the British Resident from Farruckabad, though it was for the purpose of leaving that Nabob the complete master of his country. Another British Resident had since been sent, and it actually appeared, by letters received ten days ago from Bengal, that Muzuffur Jung had complained more loudly against the British Resident than he had formerly against the Nabob Vizier Sezawaul. To this complaint, he, John Macpherson, Esq. had replied in September last, expressing his belief that the complaint was groundless; and he adds, "My friend, I find that all the labours of my predecessor, Mr. Hastings, and of myself, to settle your affairs upon a regular footing, are ineffectual," so that the Committee would see that it was absolutely impossible to relieve the distresses of that unfortunate man. But as to Fyzoola Kahn, he was one of the happiest and most independent native Princes in India, and had never received an injury of any kind. If Mr. Hastings was condemned, it must be for acknowledging himself in the wrong, in inserting an article in a treaty, which he determined, at the same time, not to act upon, without full proofs of the guilt of Fyzoola Kahn. Here (the Major said) he could not avoid noticing one very extraordinary circumstance. For whom were all these exertions made by Mr. Hastings? Was it to put money into his own pocket? Bring corruption home to him, and it would be just to condemn him. Who received the Begums' treasures? the Company. Who received one hundred and fifty thousand pounds from Fyzoola Kahn? the Company; and at a time when resources were required for the existence of our empire. Had the Begums complained, had Fyzoola Khan complained, or Muzuffur Jung? or was there a single complaint from India against Mr. Hastings, though he had been now above two years from Bengal, and a ship had arrived in Calcutta, with the charges of the right honourable gentleman, above ten weeks before the *Ranger* sailed? So far from it, temples had been erected to the honour of Mr. Hastings at Benares. The Major said, he had received many letters from Bengal, and had seen many more; yet he had not heard of a single complaint against Mr. Hastings since he quitted his government. Another point to consider was, when these transactions happened. It was in 1782 when Great Britain was sinking in every quarter; but he would not trust to his own language

language to state what was the situation of the British empire in 1782, he would quote some beautiful lines, written by a right honourable gentleman, who generally sat opposite to him, for a bust of Lord Chatham, with only one apprehension, that the poetry would suffer from want of grace in his mode of uttering it.

Her trophies faded, and revers'd her spear,
 See England's genius bend o'er Chatham's bier;
 No more his sails, thro' ev'ry clime unfurl'd,
 Shall spread her dictates o'er th' admiring world;
 No more shall accents, nervous, bold, and strong,
 Flow in full periods from his matchless tongue:
 Yet shall thy name, great shade, from age to age
 Bright in poetic and historic page,
 Thine and thy country's fate congenial tell.
 By thee she triumph'd, and with thee she fell.

That the prediction in the last line was not perfectly true, was owing to Mr. Hastings; for had we been as unfortunate in India as in Europe, America, and the West Indies, we had fallen to rise no more; but now many well-informed men (and the Minister the first of them) looked to India, as to the resources from whence Great Britain was to reimburse herself for her misfortunes and losses every where else, and we were now about to impeach Mr. Hastings for those very acts which preserved so important a stake for the empire, as he would undertake to prove, from authentic papers now before the House, and records that could not be disputed.

Mr. Dundas signified his earnest wishes to have it understood, that he did not agree to the motion as agreeing to that principle which he took to be the main drift or inference, not only of the charge, but of the speech of the right honourable gentleman who had opened it to the Committee. Though he differed in that particular, he certainly did not entertain sentiments hostile to the motion in general, or adverse to the future consequences, to which it would lead. He explained his meaning by stating, that he conceived the general inference of the charge, and of the right honourable gentleman's speech upon it, to be, that Mr. Hastings had all along proceeded upon an intention to seize upon the Jaghire of Fyzoola Khan. To that inference he could not subscribe, because he in his conscience did not believe that Mr. Hastings ever entertained such an intention; he did not on that account think his conduct in respect to Fyzoola Khan the less criminal, or that he ought not for that conduct to be impeached. Mr. Dundas desired to know if the honourable gentleman opposite to him did not think Mr. Hastings' advising a demand of 5000 horse from Fyzoola Khan in 1780,

arose from a mere misapprehension or accidental lapse of memory as to the number of troops which that Nabob had stipulated to furnish the Vizier in time of war?

Mr. Francis. Mr. *Francis* said, he believed it did. Mr. Hastings had stated to the Council, that 5000 horse was the stipulated number; and as he had authorized the treaty in 1774, the Council gave him credit for the correctness of his information. But though Mr. Hastings had, he believed, in 1780, accidentally erred through misconception, he had afterwards wilfully persisted in the error, as the Committee would find by referring to his conduct respecting Fyzoola Khan in 1781.

Mr. Dundas. Mr. *Dundas* declared, that he had always imagined it was an accidental and not a wilful conception of the real conditions of the treaty, which had been the cause of Mr. Hastings' advising to call upon Fyzoola Khan for 5000 cavalry in 1780. In that case, certainly, he for one, should not attach much criminality to Mr. Hastings for what he did under such an error, though it certainly exposed him to some blame on the score of negligence or inattention. The charge was, he conceived, so well understood by the gentlemen to whom he was addressing himself, that it would be unnecessary for him to take up the time of the Committee, by going into a minute detail of all the separate facts and circumstances to which it adverted. He would, therefore, content himself with briefly stating the leading particulars in which he thought the conduct of Mr. Hastings criminal: and first he would mention the violation of the guarantee of the Company to the treaty of 1774. To that treaty he conceived that Fyzoola Khan had every right to consider the Company as guarantee, in consequence of Colonel Champion's signing his name as an attestation of it, and of the subsequent public authorised attestation of it at Rampore. By the treaty of Chunar, in 1781, that guarantee was violated, and the British name brought into disgrace; as by an article of that treaty, Fyzoola Khan was declared to have forfeited the protection of the British government, and permission was granted to the Nabob Vizier to resume his lands. That this permission was never intended to be suffered by Mr. Hastings to be carried into execution, Mr. Dundas declared, he verily believed; and in that, in his mind, consisted a great part of Mr. Hastings' criminality, as he thereby made use of the credit of the British name to delude the Nabob Vizier, and at the same time to hold out to Fyzoola Khan, an idea, that the British government, which was the guarantee to him, for the quiet possession of Rampore, Shawah, and some other districts, had stipulated by treaty to assist the Nabob Vizier in dispossessing him of those territories. He commented on the extreme criminality of this conduct; but as it certainly differed

ferred materially from the construction which might be put on the charge before alluded to by him, viz. that it had been the intention of Mr. Hastings really to assist in dispossessing Fyzoola Khan of his territories, he could not agree to the motion, unless it was modified and tempered so, as to restrict it to the points in which the matter of impeachment really consisted. The better to convey his meaning to the Committee, Mr. Dundas said, he would produce the amendment which he had designed to offer to the motion. It was, in substance to state, that in the charge there was matter of impeachment, as far as was connected with that part of the treaty of Chunar that went to the breach of the guarantee of the treaty of Rampore. Mr. Dundas said that he did not mean to press his amendment, if it should appear to be disagreeable to gentlemen on the other side.

Mr. *Burke* remarked, that he could not withhold his encomiums from the right honourable and learned gentleman who had with such extreme candor and fairness stated the nature of his objection, as well as his conduct in declaring that he would not press it then, if not found generally acceptable. With regard to its having been no real intention of Mr. Hastings to dispossess Fyzoola Khan of his Jaghire, Mr. *Burke* said, the right honourable and learned gentleman might rest assured he never would make that a charge, or a part of a charge against Mr. Hastings, which he could not support either by direct legal evidence, or presumption so strong, as to be nearly equal to direct, legal evidence. If the right honourable and learned gentleman would have the goodness to recollect, he would undoubtedly have candour to acknowledge, that in the charge performed by him, and in the argument of his right honourable friend, there had not been one syllable amounting to an insinuation, much less a charge, that it had been Mr. Hastings' real intention to assist in dispossessing Fyzoola Khan of his Jaghire; and the reason why there had not, was, because he had neither direct legal evidence, nor strong presumptive evidence to support such an insinuation. The great charge against Mr. Hastings in this case, was, that he had kept Fyzoola Khan in a fever for ten years together, in which that father of agriculture (for so Mr. Hastings had described him to be) was put into a perpetual series of hot and cold fits, not knowing whether he was to look up to the British government in India as his protectors or his oppressors. Mr. *Burke* said, he had that day to congratulate the Committee on the singular circumstance of that honourable gentleman, who had so much to his own credit, and with a degree of zeal highly meritorious, on all occasions stood up the defender of Mr. Hastings, having declared that he had no defence to make against the present charge, and therefore had gone back to the charge concerning the affairs of Farrucka-

Mr. *Burke*.

bad, and treated the Committee with some verses inscribed on the bust of the late Earl Chatham. Those lines he had never before heard, but they were certainly beautiful, and he would do the honourable gentleman the justice to say, they had suffered nothing in his hands, for the delivery had been as fine as the poetry. The purport of them was to declare that the greatness of the country had risen by the councils of the late Earl of Chatham, and that after his death it had fallen. This poetry had been introduced by the honourable gentleman in order to shew that India had in like manner risen by the government of Mr. Hastings, but that it was not likely to fall, notwithstanding that he had quitted his power. The similarity therefore had failed. If that were true, all that he could say was, that he wished Mr. Hastings to have as much justice done him as the late Earl of Chatham had in the instance in question, viz. to have an epitaph after he had his deserts. He wished the resolutions of that Committee might not be the epitaph. The honourable gentleman had besides talked of Temples having been erected in India to Mr. Hastings. He knew not to the contrary; Mr. Burke said; but he well knew that there were Temples dedicated in India to two very different sorts of divinities, to *Brama* and *Wishnow*, the good and guardian deities, to whom the natives returned thanks for the benefits they received, and to *Rudr* the evil spirit, whose unwearied enmity and malign influence they earnestly deprecated. Whether Mr. Hastings was most likely to have been worshiped in the latter or in the former character that Committee might be at no great loss to guess; or perhaps the temple in question might be a temple of gratitude, in which the Indians offered up their hearty thanks to their guardian deities, for having delivered them from a monster, under whose persecuting spirit they had suffered so much. *Templa quam dilecta!* After pushing his ridicule to some length, he reverted to the charge and to Mr. Hastings' defence, in which that gentleman had himself admitted the truth of the charge, by using these words: "I am not ashamed to acknowledge, that the act itself was formally wrong, and yet more than formally, as it might become a precedent for worse purposes." Mr. Burke reasoned upon this admission, as comprehending the whole criminality imputed to Mr. Hastings in the charge, and in order to prove that the degree of criminality so imputed was enormous, he went over the principal facts, and argued upon them severally, as he proceeded. In the course of what he said, he paid Mr. Windham some compliments on the clear, logical, and pointed manner, in which he had opened the charge, and observed, that Mr. Hastings was extremely fond of proving that other persons had shared with him in the guilt of certain parts of his conduct, and wherever he

thought he could prove that he had acted with an accomplice he always seemed to think himself immediately exonerated from criminality. On the present occasion, he had endeavoured to state that an honourable member (Mr. Francis) was his accomplice, a point on which that Committee were on that night to decide. Mr. Burke stated what Mr. Francis' conduct had been, when he attended the Council in Calcutta, wounded as he was, and shewed that Mr. Hastings was the man who misled the Council, by declaring that 5000 cavalry was the exact number which, by the treaty of Ram-pore, the Nabob Fyzoola Khan was to furnish the Vizier with, when called upon. That circumstance alone, he said, so strongly marked the scandalous negligence with which the government of Mr. Hastings had been conducted, that it was a sufficient ground of impeachment. He observed also how shameful it was that Mr. Bristow, at the distance of 900 miles from Calcutta, where the records of all treaties were kept, should be the person to send Mr. Hastings information what was the real purport of the treaty, upon a gross misconception of which he had acted, and that in a manner tending to disgrace the British Government. After a variety of remarks and reasonings, all pointing to establish the extreme readiness which Fyzoola Khan had shewn to comply with the requisitions made upon him for cavalry, that a great part of his troops had been employed in the defence of the province of Oude, and the territories of the Nabob Vizier, that Fyzoola Khan's character was revered by all the neighbouring princes, that no internal rebellion, or external attack had disturbed his possessions, and that he had been most unwarrantably treated by the British Government under Mr. Hastings, Mr. Burke concluded, with declaring, that he had not a doubt of proving any part of the charge to the removal of the scruples of the right honourable and learned gentleman opposite to him, and to the conviction of every man who was not predetermined not to be convinced.

Major Scott declared, that so far from having made no defence, he had said that Mr. Hastings' defence was so full and so complete an answer to the charge, that it was unnecessary for him to add any thing to it. With regard to his going back to the Farruckabad charge, it had been customary in every one of the debates on the charges, for gentlemen to refer to the preceding charges, where the argument was at all referable. He had not gone into the charge of the contracts or any other, but the fact was, that the charge about Fyzoola Khan, that about the Begums, that of Farruckabad, and another, bore peculiarly on each other, and it was almost impossible to mention any one of them, without a reference to the others.

Mr.

Mr. Martin. *Mr. Martin* said, that he did not rise to enter into the matter of the charge; but only to combat an inference which seemed to fall, from the honourable gentleman, that the distresses of this country were to excuse such acts of violence and injustice as tended to relieve their distresses—this was a principle to which he should never subscribe; for if, instead of the present distressed situation of this country, we were in an actual state of bankruptcy, and all the treasures of Hindostan could be transferred to the Exchequer of Great Britain, so it were to be done by injustice and oppression—he should think it a crime highly deserving the punishment of the law.

The Committee divided,

Ayes 96, — Noes 37.

The Chairman was then moved to report to the House, the various resolutions to which the Committee had come, on each of the different charges, which had been considered and discussed.

The motion, after a short conversation on the propriety of it, was agreed to.

The House being resumed,

Mr. Chancellor Pitt.

Mr. Chancellor Pitt remarked, that he should certainly give such a vote on the general question of the impeachment as would correspond with the part which he had already taken; but he must at the same time observe, that having only partially acquiesced in the propriety of several of the charges, particularly in those concerning the affair of Benares, and the contracts—he should endeavour to bring the matter before the House in such a way, as would, if he should meet the general opinion, relieve him from the unpleasant predicament of being obliged either to assent *in toto* from a proposition, to several parts of which he wished to give his concurrence, or to vote for one which contained some circumstances to which he was adverse. But whether he should for this purpose make a separate motion, or only move an amendment when the business was brought before the House by those who conducted the prosecution, he was not as yet prepared to determine.

Mr. Burke.

Mr. Burke declared, that he approved of the right honourable gentleman's proposition, and with regard to what he had said to the difference of opinion, which he entertained respecting certain parts of the charge relative to Benares, and that relative to the contracts, he trusted he would have the candour to keep his mind open upon those points, as he had no manner of doubt but that he should be able, at a fit opportunity, to convince him, that there was not any real ground for his entertaining the difference of opinion which he professed.

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The ensuing Monday se'nnight having been fixed upon for bringing up the Report,

Mr. *Burgefs* observed, that Monday se'nnight was a day Mr. Burgefs which would be extremely inconvenient to a description of gentlemen in that House, who could not on that day attend, and the gentlemen of the law. One of that description, high in His Majesty's service, stood pledged to deliver his opinion on the question of impeachment (the Solicitor General), and surely the House would not wish to be deprived of that honourable and learned gentleman's assistance. He in like manner should be upon the circuit, and others of the profession, who also were extremely desirous of being present; he hoped therefore that the day would be changed.

Sir *James Johnstone* said, that he understood that the honourable gentleman wished to postpone the proceedings until they should have all the lawyers among them; but he did not suppose that even when they returned to town for the term, they should have the attendance of them all—for those who had any business would do their business, and none would come there except such as had no business. Sir J. Johnstone.

Mr. *Dundas* remarked, that on a motion to discharge the order, the day might be altered at any time; but, from what the honourable and learned gentleman had said, he presumed that his idea went to some day after the Easter recess. Mr. Dundas

Mr. *Burgefs* answered in the affirmative.

Mr. *Dundas* now remarked, that the great aim and object of Mr. Dundas the majority of the House, was to get the business forwarded so far as to have it carried up to the House of Lords before the Easter recess, for this essential reason, that a large number of gentlemen, members of that House, whose family arrangements, private affairs, and a variety of other reasons, called upon them to quit town, would continue in the country after the recess, and not return any more during the course of the present session. As therefore it must be agreed on all hands, that it was extremely to be desired, that so important a question should be discussed in as full a House as possible, the only way to ensure a proper attendance would be to bring it on before Easter, and therefore, though it might be inconvenient for the right honourable and learned gentleman, and other gentlemen of the same profession to be present, yet it was better for them to submit to the inconvenience of being obliged to attend their duty in that House for one day, than for the House to risk bringing so important a question under discussion, when deprived of the presence of so many gentlemen.

Mr. *Burgefs* said, that the commercial treaty was a business of at least equal importance with the present business, Mr. Burgefs and

and this he presumed could not be concluded in that House before Easter.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* assured the honourable and learned gentleman, that he should himself be very much deceived, if the whole of the business of the commercial treaty were not concluded, as far as regarded that House, at the least, before the recess.

The Chancellor of the Exchequer at length forbore to object to the motion; it was therefore put and agreed to, and then an order was made for four witnesses to attend.

The House adjourned.

Friday, 23d March.

No material subject of debate arose.

Monday, 26th March.

The order of the day for the third reading of the bill to continue the laws now in force, for regulating the trade between the subjects of His Majesty's dominions and the inhabitants of the territories belonging to the United States of America, and to render the provisions thereof more effectual, having been read,

Lord Penrhyn.

Lord *Penrhyn* observed, that Canada, instead of turning out, as had been predicted, a great mart for West-India produce, was in fact likely to become a very dangerous customer to those islands; for the Canadians, who carried their lumber to our islands, took the value in money, and went from thence to the French islands where they purchased molasses, which they carried home to be distilled into a sort of rum, of which a manufacture had been established in Canada. He thought it an object highly deserving the most serious attention of Government, and he hoped that the right honourable gentleman would, as a member of the new Board of Trade, think of applying some check and remedy to so growing an evil.

Mr. W. Grenville.

Mr. *W. Grenville* answered, that he coincided with the noble Lord in the opinion that the importation of our West-Indian produce into Canada ought to be encouraged as much as possible; but he did not think it by any means certain that our rum would suit the whole of the Canadian market; and he believed that the noble Lord would himself admit concerning this particular point, many doubts were entertained. It was also to be apprehended, that the export trade of Canada might, in a general degree, be injured by restricting their importation from the colonies of other nations.

The order of the day having been moved and read for the House to resolve itself into a Committee of the whole House to

to take into farther consideration so much of His Majesty's most gracious speech to both Houses of Parliament, upon the 23d day of January last, as relates to simplifying the public accounts in the various branches of the revenue,

Sir *Grey Cooper* desired permission, before the House went into the Committee, to suggest a doubt which he entertained as to the regularity of their proceedings. His doubt was, whether, according to the forms of Parliament, the Committee could enter into any resolutions for diminishing duties without an express instruction for that purpose, as they were only appointed by the House to consider of the means of consolidating the customs, and had no authority given them for altering the customs. Sir Grey Cooper.

The *Speaker* answered, that the Committee were, as he apprehended, competent to come to any resolutions they thought proper; but, at the bringing up of the Report, any objection to the regularity of their proceedings would then be an unexceptionable ground of argument against receiving it. The Speaker.

Sir *Grey Cooper* replied, that as he did not wish to impede the progress of the consolidation of the customs, he should rather have any irregularity avoided in the course of the proceeding, than remedied by overthrowing whatsoever might become adjusted by negating the report. Sir Grey Cooper.

Mr. Chancellor *Pitt* contended, that the adopted mode of proceeding was strictly proper; that sufficient authority was vested in the Committee, by the instructions already given them, for every necessary step towards accomplishing the business. The Report of the Commissioners of accounts, which had been referred to them, suggested the raising of the duties in every instance where there was to be found a fractional number, and the Committee were warranted to proceed upon that Report; and certainly if the Committee were at liberty to advance the rate of duties, it would be absurd to suppose they had not a right also to lower them. Mr. Chancellor Pitt.

Sir *Grey Cooper* answered, that the Report from this Committee of accounts did not extend to any alteration of duties, except in cases where there were fractional numbers, and even in those they only proposed to add the fraction so as to make the number integral. Sir Grey Cooper.

Mr. Chancellor *Pitt* observed, that the objection stated by the honourable Baronet seemed, from what had fallen from him, to be of a very serious nature indeed, and would, if well founded, entirely overturn; all which was accomplished by the Committee. The honourable Baronet had described that part of the Report of the Committee of accounts, which had been referred as a direction to the Committee of the House, to be nothing more than a simplification Mr. Chancellor Pitt.

tion of the customs, or the advancing the amount of the several duties, in which there occurred fractional numbers, by adding to them such fractions as might bring them to integrals. This could by no means be the rule which the Committee were to follow; for, instead of simplifying, it would prove the means of confounding the accounts of the Custom House still more and more; it would be adding to a system already confused, and rendered difficult by the multitude of fractions, a postscript consisting of nothing else but fractions.

The House having resolved itself into a Committee of the whole House, Mr. Steel in the chair,

Mr. Chan-
cellor Pitt.

Mr. Chancellor *Pitt* rose and observed, that it was then his intention, agreeably to the notice he had given, to propose such a reduction in the duties on the wines of Portugal, as should bring them within the spirit of the Methuen treaty, and he also designed to extend the same reduction to the wines of Spain. The treaty of Portugal, not being yet brought to any conclusion, did not allow him to state to the House the progress which had been made in it, but he hoped it would in a short time be perfected to the satisfaction of the country. As to the various causes of complaint between our Court and the Court of Lisbon, he should beg leave to observe, that among the most material of them was to be considered the distinction set up by the Court of Lisbon between Great Britain and Ireland, under which they had justified their exclusion of the last-mentioned kingdom, from the advantages stipulated for by the Methuen treaty; a thing directly contrary to the true construction and intent of that treaty, and highly injurious to the just rights of the British empire, as provided for by the treaty. This was, however, a difficulty which he believed would not be found to stand in the way of the wished-for adjustment. Another very important and well-founded cause of complaint was the advance of the duties on the several articles of British import in the new book of rates in 1782; this also he expected would be readily surmounted. There were, however, many other matters in dispute necessary to be arranged, which were not yet settled, as the privileges of Consuls and Residents, and the right of the British factory to a share of the export trade of Portugal. Although the present reduction was only intended to be made with a view to the satisfactory conclusion of all matters in dispute between the two Courts, and although such reduction was by no means to continue, if full satisfaction were not given by Portugal; yet he thought, as it was uncertain how long the negotiation might remain unfinished, that it would be best not to fix any precise time for the continuance of the new duty; because it would be in

his power, either in the next session, or at any other period, if there should arise no prospect of an amicable and fair settlement with Portugal, to restore the present duty, or lay on any other which might be thought advisable. With respect to the article of drugs, which were at present under so high a duty as to throw them almost exclusively into the hands of the smuggler, there was some farther information necessary to be obtained before any thing could be determined upon concerning them. And he also found it necessary to postpone for a time the consideration of the manufacture of glass, as there were some arrangements then under discussion, and not yet concluded upon, which would, he hoped, be found to relieve, in a great degree, the inconveniencies of which, under the present duty, the manufacturers complained. Those articles he should therefore for the present pass over, in order that they might not be a means of impeding the progress of the consolidation, but he would as early as possible, if the consolidation should take place, bring in a separate bill for each. He concluded by moving one of several resolutions respecting the duties on German, Spanish, and Portugal wines.

Mr. Fox having observed that he did not rise with any view to oppose either the resolution which had been just read, or the other resolutions the right honourable gentleman had signified his intention of moving, declared his approbation of the very proper footing upon which the right honourable gentleman had now rested the business, and which was exactly the footing that he had all along contended the business ought to be upon. The right honourable gentleman had first said, that if Portugal did not give us satisfaction on the subject of the existing grievances, he should hold himself justified in coming, and, indeed, feel it to be his indispensable duty to come, next Session to Parliament, and move a repeal of the act for the carrying those resolutions, now about to be passed, into effect. He had, afterwards (and very properly) corrected his expression, and instead of confining it to the next session, had said that if at any future period it might be thought proper to take notice, that Portugal had not afforded (what this country had an undoubted right to expect) such satisfaction as ought in reason to be thought sufficient, he should hold it his duty to apply to Parliament to alter the distinction of lower duties in favour of Portugal wines, and put them upon another footing. By the very judicious manner in which the right honourable gentleman had at last, made up his mind to the matter and qualified his resolution respecting the reduction of the duty on Portugal wines, this country would be saved from the difficulty and embarrassing consequences of either declaring that Portugal had agreed to remedy enough of the grievances complained of

Mr. Fox.

by Great Britain, to justify a declaration on our part, that Portugal had fully complied with the Methuen treaty, and shut the door of future negotiation, at is were, with a view to obtain a redress of the remainder of the existing grievances; or, from our being obliged, on the other hand, to declare that the Methuen treaty was violated, if they thought Portugal had not consented to redress enough of the grievances to justify such a declaration as he had before mentioned. Approving so highly as he did of this, Mr. Fox declared, that in case Portugal unfortunately should act so ill-advisedly, or rather so treacherously, as ultimately to refuse granting that redress and that satisfaction which this country had a right to demand, he, for one, would hold it his duty to second the right honourable gentleman and to support him in the repeal of the lower duties. An additional reason, why it was wise not particularly to limit the period of the duration of the low duties in favour of Portugal wines, was, on account of the very different nature of the grievances complained of by the merchants trading to and from that kingdom. Some of them respecting the tariff of 1782 were, undoubtedly, of serious magnitude and importance, and such as, *prima facie*, pointed out the necessity of insisting upon positive and unqualified redress. Others again, required a good deal of minute inquiry and discussion, in order to ascertain correctly the degree and extent of the complaints. One very important matter had fallen from the right honourable gentleman in his declaration, that there was no longer any distinction likely to be insisted on by the Court of Portugal with respect to the imports of Great Britain and the imports of Ireland. That he was extremely glad to hear, and he was likewise glad to hear, that the article of the treaty of commerce with France respecting Spanish wines, was understood as the right honourable gentleman had on a former occasion explained it to the House. He presumed that what the right honourable gentleman had said on that subject, was in consequence of the recent investigation and correspondence with the ministers of France, and that the successors of Monsieur de Vergennes had declared, that they understood the treaty in the manner explained to the House by the right honourable gentleman, and which the right honourable gentleman would doubtless have the candour to admit, did not exactly agree with the obvious construction of the wording of the article of the treaty, containing the stipulation in question. Mr. Fox said, that he had thought it necessary to make these few observations, but that there could not possibly be any difference of opinion, as there was no difference in the ground of argument on which the proposed resolutions were to be justified, and in the ground of argument on which the motion rested; which he had moved and the House rejected on a former occasion.

Mr.

Mr. Chancellor *Pitt* admitted, that he certainly spoke in consequence of negotiations and explanations which had recently taken place with the ministers of France. As there was not likely to be any opposition or objection to the resolutions, he did not wish to provoke one by any opposition to the arguments or rather the observations of the right honourable gentleman, but it was necessary, for his own justification, that he should declare that the reasons which made him feel it to be his duty to move the resolutions then before the Committee, were extremely different from the reasons which induced him to oppose the motion of the right honourable gentleman on a former occasion. The negotiation was not then exactly under the same circumstances as at present. With regard to his having corrected his expression (as the right honourable gentleman had observed) and not confined himself to the next session, with respect to his declaration that he should feel it incumbent on him to come to Parliament, and propose a repeal of the act imposing lower duties on Portugal wines imported, than were payable on the importation of other wines, he certainly did not mean (as the right honourable gentleman had understood him) to wait longer than the next session, but, on the contrary, to intimate, that if Portugal refused us that just and reasonable satisfaction, which we had an undoubted right to expect, and which he hoped and believed Portugal would not refuse us, he should come to Parliament, if possible, even at an earlier period than the next session, and propose to declare the Methuen treaty at an end, and that Portugal was no longer entitled to the benefits she had hitherto derived from it.

Mr. *Rollé* complimenting the Chancellor of the Exchequer on the terms on which he had put the trade with Portugal, added that he was persuaded, it would be a matter highly satisfactory to every person concerned in it. He hoped that the right honourable gentleman would extend his care to the protection of the whole of the trade with Portugal, and continue his application for a redress of the grievances of which the parties interested in that trade had such well-grounded reasons for urging the complaint.

The resolutions were severally read, and the question having been put upon each by the Chairman, was agreed to, and the report ordered to be made upon the day following.

Captain *Macbride* desired to be informed, whether the Lieutenant Governor of Greenwich Hospital was on the half-pay list of the navy Captains, and (on being informed by Mr. Brett that he was) he said it was directly contrary to his oath for an officer to hold a civil employment, and at the same time continue on his half pay. It was also contrary to an address of that House to His Majesty, which he desired to have read.

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This being done, he called upon the honourable gentleman to explain how the Lieutenant Governor could, with any safety take the oath, or how the Admiralty could venture to act in direct violation of the will of that House, expressed in their address to His Majesty, that no officer should receive his half pay whilst holding a civil employment. He then read his own oath, which he had in his pocket for his half pay, and urged the House to consider whether any half-pay officer holding any employment under Government could with a safe conscience take such an oath?

Mr. Brett. Mr. *Brett* answered, that the gentleman in question did not receive the half pay, though he was on the half-pay list. His half pay, as well as that of several others, who held places in the Hospital, went to the Hospital fund. Besides, the place of Governor of the Hospital had been determined by that House to be a military, not a civil employment; which last only was intended by the address.

Captain Macbride. Captain *Macbride* replied, that he was by no means satisfied, as he thought it was a direct evasion of the address of the House—and asked, whether he was to consider the Lieutenant Governor of Greenwich Hospital as a half-pay Captain? He should, therefore, on a future day, make a motion concerning it.

Mr. Sheridan. Mr. *Sheridan* observed, that from the light in which it was represented by the honourable officer as a violation of a principle laid down in an address of that House, it appeared of a very serious nature, and certainly ought to be looked into.

Mr. Chancellor Pitt. Mr. *Chancellor Pitt* declared, that it by no means appeared to him to be a departure from the rule recommended by that House in their address, as the office in question was certainly a military office; for it would be absurd to say that while the office of Governor was a military governor, that of Lieutenant Governor should be civil; nor was there any oath whatsoever in the case, because the office never received the half pay, and so took no oath; and the hospital, which did receive it, could not take one—for his part he should feel himself perfectly indifferent as to the event of the honourable gentleman's motion, only he should expect that if the half pay were to be taken away, an equivalent should be made to the Hospital, which would otherwise prove a considerable loser.

Mr. Hamilton. Mr. *Hamilton* remarked, that he had not been present a few days before, when a day was fixed for putting the important question of impeachment. He was surprized to find the time so short, and was determined to move to have it prolonged—he therefore came down to the House to express his surprise, and to give notice of this his intention to move for farther time.

Major Scott. Major *Scott* said, that as the last examination of witnesses at the bar had gone into matter of a very extraordinary nature,

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he wished to examine two gentlemen on the same subject; but he assured the House the examination would, as far as depended on him, be extremely short; he then moved, that William Markham, and David Anderson, Esqrs. should attend that House on the ensuing Friday.

Mr. *Burke* and Mr. *Francis* both expressed their desire that no delay might be given to the charge intended for Friday.

Mr. *Grenville* observed, that he was surprised how any thing like an objection could be made to such a motion.

Mr. *Burke* answered that he was equally surprised that any gentleman should hint such an accusation against him.

The motion was then put and carried.

The House adjourned.

Tuesday, 27th March.

The House was moved, "That the order for receiving the report from the Committee of the charges against Warren Hastings, Esq. might be read;" and the same having been read by the Clerk,

Mr. *Hamilton* begged leave to engage the attention of the House whilst he repeated the few words which he designed to have uttered upon the preceding day, had it been formal for him, without previous notice, to have urged his purpose. He had neither intended then, nor was it his wish, at that time to make any motion, could his object be attained without it; but if he should find ultimately that it could not, he would certainly move for the discharge of the order for Monday, which he conceived to be the regular motion that a compliance with the forms of the House required; yet he begged that it might be generally understood, that he should have no objection to withdraw his motion, or to modify it in any way whatsoever, so as to meet the wishes and sentiments of the House. He had not been present on Thursday night last, when it was resolved to bring up the report of the resolutions of the Committee on the ensuing Monday, and to follow up that proceeding on the same day with a motion for the impeachment of Mr. Hastings: he expressed his astonishment that it could have been agreed to bring forward the great question of impeachment at a week's notice only, and in a manner so indecently precipitate. He urged the absence of the great lawyers of that House and of the Crown, as an argument against so hasty a measure, and contended that the House would impeach its own justice and equity by hurrying on the conclusion of the proceedings against Mr. Hastings in a manner so unwarranted and unseasonable. When the inquiry preliminary to the projected prosecution was first instituted, he
declared

declared that it was his opinion, that the conduct of those engaged in it had been virulent and prejudicatory; but he was free to confess, that latterly the House had acted in the business with a degree of deliberation becoming its own dignity and due to the solemnity and importance of the occasion. Having thus established its character as a grave assembly, ready to give full time for discussion where the topic was serious and important, and the consequences immediately personal to a man who once held an high and distinguished rank in India, as the representative of Great Britain in that quarter of the globe, would they on a sudden adopt a new line of conduct, and consent to be precipitate in the very moment when it best became them to be temperate and cautious? Would they, on the eve of concluding their labours, become suddenly careless and rash? Was such a new line of conduct either becoming themselves, or due to such a character, his late situation and rank considered, as Mr. Hastings? He begged to learn on what ground of expediency such a deviation from their own settled system was to be justified? Was it expedient to lay aside deliberation in the moment previous to decision? The House would please to recollect, that the question of impeaching Mr. Hastings was by no means a corollary upon the several abstract and separate questions previously resolved in the Committee on the charges which had been preferred: that position he must again and again insist on as clear and undeniable; and therefore the question of impeachment ought to be viewed in its true light, as a much more serious and distinct consideration than any which had preceded it. He desired to know what end this unseemly precipitation could answer? Would it render the judgement more decisive, or accelerate the decision? The House of Lords could not possibly determine the cause during the course of the present session: who would deny that assertion? There was not a doubt of it, and therefore he should assume it as a fact not to be disputed or surmounted.—The first authorities in the House of Lords, men whose names needed only to be mentioned to ensure respect and rivet belief, had long since declared, that it was impossible for the House to decide the matter in the present session; to what end then (he repeated it) would the House endeavour to bring forward so great a question without allowing more than a week's notice? a notice so short as not to admit of the return of the absent members, and upon such a question it was impossible but every man who regarded the cause of justice must wish to be present at it. Were the House to decide the question of impeachment affirmatively, previous to the discussion of the remaining charges, how was it possible for gentlemen to give a free

and

and unprejudiced vote on each of those charges that remained to be examined and brought to decision?

This question (Mr. Hamilton added) he must beg leave to press upon the House, and doing it, he could at length speak, in terms of governed indignation, of the manner in which a right honourable gentleman had on a former day hinted to the House, that Mr. Hastings was free in his person, and left at full liberty to enjoy the comforts of life and all the common benefits of nature. Had he arisen when his feelings were warm, on the first mention of such a suggestion, he could not have answered for his expressions; he would now only say, that there were few, indeed, who did not wish Mr. Hastings fully to participate in the benefits and blessings of nature with all the rest of mankind. Mr. Hamilton now drew his speech to a conclusion by repeating, that the question of impeachment was a great and general question, and by no means a corollary on the abstract questions already decided by the Committee, and that he did not mean to press his motion, could a ground of real expediency be stated for so soon bringing up the Report of the resolutions of the Committee.

Mr. *Yorke* seconding the motion, added, that in his mind Mr. Yorke. the bringing up an imperfect Report, and coming to a decision upon the important question of impeachment before the whole of the charges were discussed, and the opinion of the Committee taken upon each of them, was inconsonant with the rules of justice and prejudicial to the object of the prosecution.

Mr. Chancellor *Pitt* remarked, that he considered it as his Mr. Chancellor Pitt. duty most earnestly to urge, that a motion for delay in a criminal prosecution, on behalf of the person accused, was intitled to as much attention as any subject could possibly demand: his honourable friend had appeared to divide his argument into two different and distinct heads—one as to the propriety of bringing up the Report so soon as the next Monday, and the other as to the expediency of coupling the vote of impeachment with the receiving of the Report: as to the latter, it was a subject which might perhaps admit of some doubt; but as to the former, that of deferring the bringing up of the Report on Monday, it was one to which he should give his most hearty opposition. His honourable friend had stated, that from the shortness of the time (which by the by he had calculated as but one single week, whereas it was in fact from the preceding Thursday last until the ensuing Monday) between the notice given and the intended motion for the impeachment, it was impossible for gentlemen to make up their minds against the time when they were to give their final vote upon the subject. More

time had been allowed for preparation for the question of the next Monday, than for any other question in the whole course of the proceeding, and he desired to know, were gentlemen as yet to make up their minds upon it, or rather, had they not already formed their opinions? Had they not made up their minds on the affairs of Benares, on those of Oude, on the charges which related to Farruckabad, and on the contracts? For his part he avowed, that he had himself made up his mind on them all, and was ready to declare, that from what had passed, he looked upon it that the justice and the honour of Parliament was deeply committed in the business. His honourable friend had assumed (what he was sure every gentleman would very much lament, if it should be found to be true) that the proceeding could not be expected to arrive at the House of Lords during the present session: he was sure that the way to realize this assumption would be to adopt the proposal of delay made by the honourable gentleman himself; but the very circumstance of the necessity of such a delay as the honourable gentleman had stated as unavoidable before the business could be carried to the other House, rendered it highly indispensable in that House to expedite as much as possible every step to which hesitation and delay were not, in point of justice and discretion, absolutely necessary. The bringing up the Report was certainly one of those, and no good reason could be given for wishing to defer it: and as to the question respecting the vote of impeachment, it did not appear that the party himself most immediately concerned in it wished to have it deferred. Supposing, as he did, that every gentleman had already, in his own mind, determined on the general vote which he should give on that question, he apprehended that the only difficulty would be to ascertain the particular shape into which that vote should be formed. The whole body of the charges delivered in at the table evidently contained much matter, when either from its insignificance in some instances, its want of criminality, or its incapability of proof in others, it would by no means be consistent with the dignity or the justice of that House to include in a vote of impeachment; it would then become a subject of discussion, how such parts could best be separated from them, which, besides their being highly criminal, were such as that House had sufficient evidence of to warrant a vote of impeachment: there would also probably be some difference of opinion as to the form of proceeding on the impeachment itself. Mr. Pitt stated the several different modes in which it had been usual to conduct this sort of prosecutions; as by first drawing up articles of impeachment, and then going up with them to the House of Lords,

or

or by first voting the impeachment, and sending a message to the Lords that they had come to such a vote, and would be ready to substantiate it before them, and then proceeding to frame the articles; or, as had been done in some instances, appointing a private Committee to select and frame the articles. With respect to the argument in favour of delay on the expectation of a fuller House after Easter than there might be expected before the holidays, that was a ground upon which he was sure that his honourable friend, when he considered it seriously, would not desire much to rest, as there appeared in fact no chance of so full a House at any future period of the session as at present. On the whole, whatever might be his opinion of the manner in which the articles of impeachment should be framed, or however he might be induced to think that the impeachment ought not to be voted on the day of bringing up the Report, (and he did not know but it would be right to defer the latter till Tuesday) he could see no reason whatsoever for delaying the bringing up of the Report.

Major Scott observed, that as the right honourable gentleman, (Mr. Pitt) had particularly applied to him, he should take the liberty of saying a few words upon the occasion. He begged leave to call to the recollection of gentlemen on all sides of the House, what had passed on a former day, when a right honourable gentleman (Mr. Pitt) had expressed a wish that notice might be given from the other side of the House of the number of charges to be brought forward, and the time when they were to be produced. Upon that occasion, a right honourable gentleman (Mr. Fox) had proposed, one day in the last week, two in the present week, and the last charge in the following week. Of course, it was understood, that the great question of impeachment would not come on until after the recess. In the last week a new mode had been proposed, and he trusted it would not be expected from him, (an unlearned and an uninformed man, as he was) upon so nice a point, that he should have been prepared at a moment to state precisely what he wished upon that occasion. Undoubtedly he had acquiesced in the motion proposed for the next Monday, nor did he now wish to oppose the Report being received on that day, though he trusted that the final vote of impeachment would be put off until after the recess. So far from wishing any delay, the House, he was confident, would do him the justice to allow, that he had accelerated the business to the utmost of his power, inasmuch that, in the whole course of the inquiry, he had never called a single witness until the preceding day, and that was in consequence of some very unexpected evidence which had been given two days before; but when the report was made,

made, there were some very material points which he would wish to state to the House, and some very material papers which he had called for many days ago, had only been presented on that day. In the charge relative to the Begums, the right honourable gentleman (Mr. Pitt) had denied that the necessity of the Company, at the moment their treasures were seized, were such as had been stated. The Major said, he could now boldly declare, that authentic documents upon the table proved that necessity beyond the power of cavil or contradiction. To these he should refer on the report. Another very material circumstance it was right to mention. It had been asserted, that Mr. Hastings had misrepresented the grounds on which the treasures were seized. This assertion was made on a quotation from a letter from Bengal, dated the 11th of February 1782, which was published in the Tenth Report of the Select Committee. That letter complete had been presented that day to the House, and it effectually cleared up this apparent contradiction. Gentlemen would be not a little astonished when they came to read it coolly in their closets. Another very material point in the charge relative to the Begums he likewise wished to prove on the Report,—that an honourable member of that House had actually taken prisoner one of the Nujuls recruited at Fyzabad by the Begums; and, from the evidence of Mr. Markham, he would be able to prove, that, during the rebellion of Benares, the road from Fyzabad to Benares was covered with troops sent to the assistance of Cheyt Sing. These were very important points, since the vote against Mr. Hastings on that charge had turned entirely on these two circumstances, that the distress of the Company was entirely removed by the separate peace with Madajee Sindia, and that there were no grounds to suppose the Begums had assisted Cheyt Sing at the time of his rebellion. There were very material points to be considered also in another charge: he meant that of contracts and establishments. Of all the various items which composed that charge, taking in a government of thirteen years, the Minister had disapproved only of two, the bullock contract and the opium contract. As to the first, several very material papers had been that day presented. As to the opium contract, he had stated it fairly and openly, that the opium contract had always been looked upon in Bengal as a matter of patronage. It was one of their patent offices, and whether that defence would bear Mr. Hastings out or not, he could not say; but the fact was so, and known to be so, to every man who had served, as he had done, for many years in Bengal. As a matter of patronage it was given to a young gentleman who lived in Colonel Monson's family a day or two before Colonel

nel Monson died, and he looked upon it as a personal obligation from Mr. Hastings to himself, and, as such, mentioned it on his death-bed. On the same footing of patronage, it was continued to Mr. Mackenzie in April 1780 by Mr. Hastings, Mr. Francis, and Mr. Wheeler, after their coalition. This fact was suppressed in the Ninth Report of the Select Committee. The Major said, he had mentioned it in debate in the Committee, but this day it was in proof before the House; and whether it would bear Mr. Hastings out or not, he would continue to assert, that Mr. Hastings and Mr. Francis had looked upon the opium contract as a matter of patronage, and that a relation of Mr. Francis had had a share in it. The Major said, he understood that the honourable gentleman (Mr. Hamilton) had no idea of opposing the Report for Monday, but that he wished that a full notice should be given of the day when the great question of the impeachment should be brought on; and in this he most heartily concurred with him.

Mr. Dundas remarked, that, he should acknowledge him-Mr. Dundasself censurable if any blame ought to descend upon the person who first suggested the necessity and propriety of making a report of such resolutions as the Committee had come to, previous to the final discussion of all the charges. Upon this occasion, he must beg leave to remind the House, that when he made that suggestion, he merely threw it out as a matter for the consideration of the gentlemen on the other side the House, without any intention to take the House by surprise, and, as it were, enter into a prejudication of the cause of Mr. Hastings, or without an intimation of any design to make any motion on the subject. He recapitulated passages of his speech on that occasion*, and said, that he thought at that moment (as he had thought when he first suggested the idea) that it would be well worth the endeavour of the House, considering the advanced period of the year, the near approach of summer, and the natural consequence of thinner and thinner Houses, to get one step forward in the business, and by making a Report of such resolutions as they had come to in the Committee, enabling those who were to manage the prosecution, to be preparing some of the articles of impeachment to be proposed, while the other remaining charges were discussing and deciding upon. He acknowledged, that, had been unknown what charges, either by name or in number, remained to be discussed, the matter would have proved widely different, and in that case he should have agreed with his honourable friend, that it

* For these the reader will give himself the trouble of referring to a preceding part of this work.

would have been precipitate and indecent to have brought up the Report of the Committee of the resolutions already come to, and, upon such an imperfect Report, to have proceeded to discuss the question of impeachment; but he begged the House to recollect, that on the very day when he had suggested the idea of making a Report of the resolutions already voted, the right honourable gentleman who had originated the charges had declared expressly what the nature of the remaining charges were, and that there were only three in number. He denied that the honourable gentleman who spoke last had been at all accurate in his detail of the proceedings of Thursday. It had never upon that day been understood that all the charges would be gone through before Monday, the day on which the Report had been agreed to be brought up; but, on the contrary, it had been expressly stated, that two would be brought forward during the present week, and one the week after. And, as a farther proof that this was the true state of the case, the House might well remember that it had been at first proposed to bring up the Report of the resolutions already agreed to, as upon that day, and that in consequence of the particular suggestion of the honourable gentleman who spoke last, it was agreed to delay the bringing up the Report until the ensuing Monday. With regard to the honourable gentleman, or any of the friends of Mr. Hastings, having just ground of complaint of precipitation and hurry, sure he was, that for two years together those gentlemen had been calling out against delay, and day after day demanding a speedy decision. He begged leave also to remind his honourable friend who made the motion, that it was but the last session that he had himself been so urgent for bringing the matters of charge against Mr. Hastings to a speedy issue, that he had urged the House to continue sitting the whole summer, rather than delay the justice which he had then contended it was due to Mr. Hastings to administer with all possible dispatch. Mr. Dundas, after urging these arguments, in justification of the House's adhering to its determination to bring up the Report on the next Monday, said, that if nothing else pressed for getting a step forward in the proceeding, a sense of the honour of the House, which stood in the most extraordinary and delicate predicament, absolutely demanded, that they should as soon as possible decide upon matters so long under discussion; and as to the idea of Mr. Hastings walking about, and freely enjoying not only the comforts, but the pleasures and luxuries of life, let his honourable friend be cautious how he used that argument, since it certainly told as much the other way as the way in which his honourable friend had meant to apply it.

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The sooner the impeachment was carried up to the Lords, the better for Mr. Hastings, since it must depend upon them whether he was to continue at liberty and in full enjoyment of those blessings which his honourable friend thought it so shocking even to hint at the necessity of depriving him of. Upon the whole, he could not conceive that there could exist a single gentleman in that House who meant to act fairly in the business, whether he was a friend to Mr. Hastings or not, who could resist the propriety of receiving the Report of the resolutions of the Committee on the ensuing Monday, and of proceeding to the termination of the prosecution, as far as it concerned that House, with as little delay as possible.

Mr. *Burke* having observed that an honourable gentleman *Mr. Burke*. (*Mr. Hamilton*) had chosen to animadvert upon his former suggestion, that Mr. Hastings, was, during a prosecution wearing so serious an aspect, at full liberty, and enjoying all the luxuries of life, added, that, in extenuation of such an inference, (if it wanted an extenuation) the House would please to recollect, what sort of a criminal it was whom they had under their consideration; and as the best answer to the charge of precipitation, he must remind gentlemen that the House had been nearly seven years engaged in inquiries into the conduct of Mr. Hastings, who had himself, at their bar, in that very extraordinary performance, which he had called his Defence, pressed for dispatch, and deprecated delay. Striking, beyond expression, was the catalogue of criminal charges already found by the Committee. They were not merely high crimes and misdemeanors in the technical and cant phrases of the House, but crimes, at the bare repetition of which the human heart shuddered with horror. He would tell the honourable gentleman who made the motion, on what he rested the whole of his conduct in the business—on the broad basis of humanity; a basis which no art could shake, nor any argument either alter or move. The honourable gentleman had talked of indecent haste. Let him see what had been the conduct in the case of the Earl of Macclesfield, a man who had the weight and authority of Lord High Chancellor of Great Britain, a character that demanded peculiar respect and attention, and whose faults (such, he meant, as had been imputed to him) were venial, compared to the crimes charged against Mr. Hastings. Mr. *Burke* turned to the journals, and read from them the proceedings on the occasion to which he had alluded. It appeared therefrom, that on the 9th of February a message had been brought from the Crown, communicating certain papers relative to the conduct of Thomas Earl of Macclesfield: that the House had forthwith resolved to
impeach

impeach the said Earl, and that on the 12th of February, at only three days distance, Sir John Oxendon was sent to the bar of the House of Lords, there to declare in behalf of the Commons of England, that they had come to a resolution to impeach the Lord Chancellor, and that they would prepare and send up the necessary articles with all due dispatch. Mr. Burke reasoned upon this precedent, and compared the proceedings upon it with those against Mr. Hastings, deducing from the contrast undeniable proofs, that, with respect to the latter, the House had acted with uncommon deliberation, and that their forbearing any longer to take the necessary steps to render the person of the man so accused amenable to the justice of his country, would be on their part a criminal neglect.

Mr. W.
Grenville.

Mr. *W. Grenville* having observed that he would not follow the example of the right honourable gentleman who directed his argument chiefly to the question of impeachment, which, as his right honourable friend had very properly said, was a question which might call for discussion on Monday, but could not be regularly considered as coming under the discussion of the motion then before the House, added, that he considered both the argument of the honourable gentleman who had made the motion, and the motion itself, as calculated to create unnecessary delay. He concurred with his right honourable and learned friend (Mr. Dundas) that there was not the smallest ground for complaint of indecent haste or precipitation, and that, circumstanced as the House was, in respect to the prosecution, a regard to their own character and the national honour, required that the business should proceed with all reasonable dispatch.

Mr. Hamil-
ton.

Mr. *Hamilton* observed, that a variety of remarks from different quarters of the House convinced him that it was in vain to enforce his motion. Yet, previous to withdrawing it, he felt himself warranted to contend, that all the principal arguments urged upon the occasion went against the motion, on account of its opposing the bringing up the Report of those resolutions to which the Committee had come on Monday; an object which he had all along declared he did not mean to insist upon. Mr. Hamilton replied to Mr. Dundas on various passages of his speech, and particularly on his having reminded him (Mr. Hamilton) that he had last year pressed the House to continue sitting the whole summer, in order to do Mr. Hastings justice as speedily as possible. It was very true; but he desired the House to recollect the difference between using dispatch in deciding upon preliminary charges, and precipitately coming to a determination on the great question of impeachment. Not the smallest notice had been taken of a point on which he had laid very particular stress,

stres, and this was, that the question of impeachment was not a corollary on the question already voted by the Committee. That he must again and again insist on. He declared that he never meant to contend, that the House could not, use what precipitation they would, be able to proceed the length of going to the bar of the House of Lords with the impeachment this session, but merely that the House of Lords could not possibly finish the trial of the impeachment this session. He denied that the argument, that the motion was meant to create unnecessary delay, was in the smallest degree founded, and added other arguments in support of his former opinion. He concluded with desiring to withdraw his motion, declaring that he was persuaded, that should the House on the ensuing Monday debate the question of impeachment, their own conviction of the impropriety of determining it on the day of making the Report, would induce them to postpone the consideration of that great question.

Mr. Fox presumed, that when the honourable gentleman Mr. Fox. talked of the conviction of the House, he meant the conviction of his own mind, and not that of any other gentleman. For his part, he was at that moment prepared to say, that he was fully persuaded that the proper time for bringing forward the question of impeachment, would be immediately after the House had agreed to the Report of the resolutions to which the Committee might come upon the ensuing Monday.

The motion having been, with the leave of the House, withdrawn, the House adjourned.

Wednesday, 28th March.

Captain *Macbride* rose to give notice, that he would put off the motion which he intended to have made relative to the Lieutenant Governor of Greenwich Hospital being on the half-pay list of captains, until after the holidays. Previous to his sitting down, he would beg leave to inform the House, that he had that day taken the trouble to go to the Pay Office, to examine the list, and he found that his name stood three from the bottom; of course, the motives imputed to him by an honourable member under the gallery, (Mr. Brett) "that he was actuated by spite," and disappointment of being kept off the eight-shilling list, from the Lieutenant Governor of Greenwich Hospital being upon it, fell to the ground. This being the fact, he supposed that the honourable member judged of others by himself: he left it to the House and the Public to judge, which of the two was most likely to be actuated, the agent or the captain. No such selfish contemptible motives could be imputed to him.

Captain
Macbride.

In order that, if possible, no part of the debate, concerning the repeal of the Test and Corporation Act, may either want elucidation, or put our readers to the trouble of making references, we shall prefix, to the account of speeches on the subject, The Case of the Protestant Dissenters, with Reference to the Test and Corporation Acts.

In the year 1672, the 25th of the reign of King Charles II. an act was passed, entitled, "An act for preventing dangers which may happen from Popish recusants:" by which it is enacted, "That all and every person or persons, that shall be admitted, entered, placed, or taken into, any office or offices, civil or military, or shall receive any pay, salary, fee, or wages, by reason of any patent or grant of His Majesty, or shall have command or place of trust from or under His Majesty, his heirs or successors, or by his or their authority, or by authority derived from him or them, within this realm of England, dominion of Wales, or town of Berwick upon Tweed, or in His Majesty's navy, or in the several islands of Jersey and Guernsey, or that shall be admitted into any service or employment in His Majesty's household or family,—shall receive the Sacrament of the Lord's Supper, according to the usage of the church of England, within three months after his or their admittance in, or receiving their said authority and employment, in some public church, upon some Lord's day, commonly called Sunday, immediately after divine service."

The circumstances of the time, when this bill passed, were very remarkable. Papists were indulged in their religion, and many of them were employed in the great offices of state. The King himself was suspected of popery, and the Duke of York, his presumptive heir, had openly declared himself of that religion. This bill was introduced in direct opposition to the court; the penal laws having been suspended, contrary to acts of Parliament, by the royal proclamation, chiefly in favour of Papists, at the very time when a war was begun to destroy the only Protestant state by which England could expect to be supported in the defence of her religion and liberties. On these accounts, the minds of all zealous Protestants were in the utmost fear and consternation; and, accordingly, the design of the act was, as the preamble declares, "to quiet the minds of His Majesty's good subjects, by preventing dangers which might happen from Popish recusants."

The Protestant Dissenters apprehend, therefore, that this act, as the title sets forth, was made wholly against Papists, and not to prevent any danger which could happen to the nation

nation or church from the Dissenters. Indeed, so far were the Protestant Nonconformists from being aimed at in this act, that, in their zeal to rescue the nation from the dangers which were at that time apprehended from Popish recusants, they contributed to the passing of the bill; willingly subjecting themselves to the disabilities created by it rather than obstruct what was deemed so necessary to the common welfare. Alderman Love, a member of the House of Commons, and a known Dissenter, publicly desired, that nothing with relation to them might intervene to stop the security which the nation and Protestant religion might derive from the Test Act, and declared that in this he was seconded by the greater part of the Nonconformists. This conduct was so acceptable to Parliament, that, in the very session in which the Test Act passed, and while that act was depending, a bill was brought into the House of Commons, entitled, "A Bill for the Ease of Protestant Dissenters." This bill, having passed through the different stages of that House, was carried up to the House of Lords, where likewise it passed, with some amendments. These amendments having given occasion to a conference between the two Houses, King Charles II. from an apprehension that the measure would prove injurious to the popish interest, on the 29th of March, 1673, adjourned the Parliament to the 20th of October following. In the next session, an attempt was made, in the House of Commons, to discriminate the Dissenters from the Papists, with regard to their qualifications for public offices, by bringing in a bill for a general test, to distinguish Protestants from Papists; which bill, having been read a second time, and referred to a Committee, was laid aside without being reported.

The late reverend and learned Dr. Burnet, Bishop of Salisbury, in a speech in the House of Lords, in the year 1703, took particular notice of the conduct of the Dissenters, with regard to the Test Act; and justly concluded, that, as the act was obtained in some measure by their concurrence, it would be hard to turn it against them.

Though King William III. of glorious memory, had refused, when Prince of Orange, to give his approbation to the repeal of the Test Act and other penal laws against Papists, knowing that the measure was countenanced by King James II. with the sole view of introducing Roman Catholics into public offices, and that it would have been at that time dangerous to the Protestant religion and the liberties of the people; yet, when he was raised to the throne of these kingdoms, and no danger could be justly apprehended, he told his first Parliament, in one of his speeches, "that he

“testants who were willing and able to serve him; and that
 “such a conjunction in this service would tend to the better
 “uniting them among themselves, and strengthening them
 “against their common adversaries.” Accordingly, when
 the bill was brought in for abrogating the oaths of alle-
 giance, &c. to King James II. a clause was ordered to be
 added for taking away the necessity of receiving the Sacra-
 ment as a qualification for civil offices. This clause the
 House of Lords rejected, contrary to the sentiments of
 many noble Peers, the steadfast friends of their country, and
 distinguished promoters of the Revolution; who declared, in
 their protest, “That a greater caution ought not to be re-
 “quired, from such as are admitted into offices, than from
 “the members of the two Houses of Parliament, who are
 “not obliged to receive the Sacrament to enable them to sit
 “in either House.”

The Test Act is not the only statute by which the civil
 rights of the Dissenters are abridged.

In the year 1661, the 13th of Charles II. the year after
 the Restoration, an act was passed, entitled, “An act for
 “the well-governing and regulating of corporations:” by
 which it is provided, “That no person, or persons, shall
 “for ever hereafter be placed, elected, or chosen in, or to,
 “any corporation-offices, that shall not have, within one
 “year before such election or choice, taken the Sacrament
 “of the Lord’s Supper according to the rites of the church
 “of England.”

This act, which was passed in a period of great heat and
 violence, was probably designed against some of the Protef-
 tant Dissenters: “For,” as a noble Lord* expresses himself,
 “in those times, when a spirit of intolerance prevailed, and
 “severe measures were pursued, the Dissenters were reputed
 “and treated as persons ill-affected and dangerous to Go-
 “vernment.” But both Houses of Parliament in a short
 time entertained different sentiments of them; and, before
 the end of that reign, discovered an inclination to relieve
 them from the disabilities created both by the Corporation
 and Test Acts †.

On the 24th of December, in the year 1680, a bill was
 ordered into the House of Commons, for repealing the Cor-
 poration Act ‡. On the 6th of January § following, this
 bill was read a second time, and referred to a Committee.

* See Lord Mansfield’s speech in the House of Lords, February 4,
 1767, in the Appendix to Dr. Furneaux’s Letters to Sir William
 Blackstone, p. 259.

† See Dr. Furneaux’s Letters, p. 178—185, note.

‡ Journals of the House of Commons, Vol. IX. p. 692, 696.

§ Ibid, p. 700.

While this bill was depending * in the House of Commons, a bill came down from the Lords†, entitled, "An act for distinguishing Protestant Dissenters from Popish recusants." It doth not appear that there was any division on either of these bills, but they were defeated by the sudden prorogation of the Parliament on the 10th. of January. The Commons, being apprised of the King's intention, had only time to pass some votes on the state of the nation, one of which is in these words‡; "That it is the opinion of this House, that the prosecution of Protestant Dissenters, upon the penal laws, is, at this time, grievous to the subject, a weakening of the Protestant interest, an encouragement to Popery, and dangerous to the peace of the kingdom."

Such public testimonies, in Parliament, in favour of the Protestant Dissenters, they cannot but consider as affording a full evidence of their zeal and concern for the Protestant religion and the liberties of these kingdoms, and of their being hearty and sincere friends to the public peace, both in church and state.

They therefore humbly hope for the repeal of the said acts for the following reasons:

1. Every man, as it is now universally acknowledged, has an undoubted right to judge for himself in matters of religion; nor ought his exercise of this right to be branded with a mark of infamy.

2. The holy Sacrament of the Lord's Supper, being a matter purely of a religious nature, and being appointed by our blessed Saviour only for the remembrance of his death, ought not to be applied to the secular ends of civil societies.

3. As Dissenters are universally acknowledged to be well-affected to His Majesty and the established Government, and are ready to take the oaths required by law, and to give the fullest proof of their loyalty, they think it hard that their scruple to receive the Sacrament after the manner of the church of England, or after the manner of any church, as a qualification for an office, should render them incapable of holding public employments, civil or military.

4. The occasional receiving of the Lord's Supper, as a qualification for a place, cannot, in the nature of things, imply, that those who thus receive it mean to declare their full and entire approbation of the whole constitution and frame of the established church; since men may be compelled by their necessities, or allured by secular advantages, to do

* Journals of the House of Commons, Vol. IX, p. 697.

† Journals of the Lords, Vol. XIII. p. 709, 713, 728.

‡ Journals of the House of Commons, Vol. IX. p. 701.

what they would not do, were they left to their free choice. As, from these motives, persons may be induced to conform to the established church in this particular instance, though they do not approve of its forms and ceremonies in general, so, from the same motives, others may comply with the Sacramental Test who are not even Christians, and who therefore cannot be supposed to wish well to Christianity itself, or to any national establishment of it whatsoever. Hence it is apparent, that such a test can be no real or effectual security to the church of England. It is also apprehended, that, independently of any remarks upon the doctrine of papal dispensations, the Sacramental Test complained of may be received by many Papists, because many of them hold the church of England to be no church, her ministers no ministers, and her sacraments no sacraments.

5. The oaths of allegiance and supremacy, and the declaration against transubstantiation, have, without the Sacramental Test, been found effectual, for more than a century, to exclude Papists from both Houses of Parliament.

6. The repeal of the Test and Corporation acts, while it would be a relief to many of His Majesty's faithful subjects, would lay no difficulty or hardship on any others of them. It would no way affect the established church. Religion, and the national church, were established before these acts were passed, and would continue to be established were they repealed. The doctrine, the discipline, and privileges of the church, would remain exactly the same as they are at present. Its constitution and its form of government are not secured by these acts; nor would they be injured by the total repeal of them. On the contrary, every serious clergyman would find, in such repeal, ease to his conscience, and safety from vexatious prosecutions; for the service of the church of England, in its notice respecting the celebration of the Communion, forbids blasphemers of God, slanderers of his word, adulterers, &c. to come to the Holy Table; and yet the minister, as the law now stands, must admit all such persons to the Sacrament when they demand it as a qualification for an office, or subject himself to a prosecution.

7. No other instance can be produced, among all the reformed churches, in which the Sacrament is ever applied as a qualification for civil employments and advantages.

8. The Episcopalians in North Britain, who are the Dissenters from the church established in that part of the united kingdom, are not liable to any incapacities in consequence of their not qualifying themselves by receiving the Sacrament according to the usage of the church of Scotland; but are capable of all the advantages of the civil government by taking the oaths, &c. as appointed by law, Whence it fol-

lows, that it is not reasonable or just, that such of the members of the established church of North Britain as are resident in England, should be subject to the ungracious alternative, of acting inconsistently with their principles, or of incurring the penalty of disqualification for the service of their Sovereign, in any office, civil or military.

9. In the year 1779, the 19th of His present Majesty, an act was passed, in Ireland, "For the relief of His Majesty's faithful subjects, the Protestant Dissenters of that kingdom;" whereby it is enacted, "That all and every person and persons, being Protestants, shall and may have, hold, and enjoy, any office or place, civil or military, and receive any pay, salary, fee, or wages, belonging to, or by reason of, such office or place, notwithstanding he shall not receive or have received, the Sacrament of the Lord's Supper,—without incurring any penalties—for or in respect of his neglect of receiving the same." The Protestant Dissenters of England, therefore, humbly hope, from the moderation and equity of the Legislature, for the same just restitution of their civil rights, to which alone their application is confined.

For these reasons the Dissenters are induced to make an application to Parliament for relief, humbly apprehending that their request will appear to be founded in justice, and that a compliance with it will redound to the honour of religion, will tend to the security and strength of the Protestant interest, be conducive to the welfare of the nation, honourable to the King as the common father of his People, and no way injurious to any one subject in His Majesty's dominions. Arguments, so weighty and cogent as those which have been represented, cannot, they trust, fail, in conjunction with the enlarged and liberal spirit of the times, to procure from the Legislature the repeal of statutes, which can in no degree be considered as grounded on public necessity or public advantage.

Mr. *Beaufoy* rose, and said,

I am sensible, Mr. Speaker, that in a business so important as that upon which we are this day assembled, it might have been expected that the large proportion of the inhabitants of this kingdom who are now, by my voice, suitors to the House, would have been more studious of experience and ability in their advocate. It may naturally excite surprise, that in a cause which so deeply concerns their interests and their honour, they should have committed the management of their suit to a man of so little pretensions to parliamentary skill, and of talents so humble as mine.

Sir, their conduct admits of only one explanation: they have confidence in the justice of their cause, and they have equal

Mr.
Beaufoy.

equal confidence in the candour and liberality of the House. They know that in addressing the most enlightened men of the most enlightened age, the artificial aids of rhetoric cannot be necessary to enforce the arguments of reason. They know that in addressing a Parliament which possesses, beyond any that ever assembled within these walls, the confidence and affection of the People; a Parliament under whose auspices, and by whose guidance this kingdom, to the disappointment of her enemies, and the astonishment of the world, has recovered from her desolated state; a Parliament whose decisions proclaim to every part of the empire, that, under their government, no individual shall be deprived of his rights without just cause, nor penalties be inflicted without the commission of a crime;—they know that in addressing such a Parliament, it will be sufficient for them to prove that, contrary to the first principles of justice, they are subjected to punishment without the imputation of guilt; amerced of the common privileges of citizens, without the suspicion of offence; and condemned to perpetual degradation and dishonour, unless they will consent to incur the guilt of renouncing that right of private judgement in matters of religion which the God of nature has given them.

Three different classes of our fellow-subjects are aggrieved by those provisions in our laws of which I shall propose the repeal.

The first is composed of all those Englishmen who are Dissenters from the church of England.

The second is composed of all the members of the established church of Scotland.

The third consists of all those respectable clergymen of the church of England, who think that the prostitution of the most solemn ordinance of their faith to the purposes of a Civil Test, is little less than a sacrilegious abuse.

Of these several descriptions of my fellow-citizens, entitled as they all are to particular regard, the Dissenters have the first claim to my attention; for they have publicly requested,—a request which they confined to their own case, lest they should be thought presumptuous in expressing the complaints of others—they have publicly requested that I would submit to the consideration of Parliament the propriety of relieving, from penalties of disqualification and reproach, so many hundred thousands of His Majesty's ardently loyal and affectionate subjects.

Of the earnest, anxious solicitude they feel to obtain relief; and of the unanimity with which they prefer their prayer to Parliament, the House will be enabled to judge from the mention of a single fact.

The Dissenters of England are chiefly composed of the Presby-

Presbyterians, the Independents, and the Baptists, who differ in many circumstances of doctrine and discipline, but who all agree in the custom of annually appointing two deputies from each of their congregations in the metropolis, and in all the neighbouring districts within ten miles of the metropolis, for the management of their affairs; a custom which has long been established among them. Now it is by the unanimous voice of that Assembly of Delegates, supported by the wishes, earnestly expressed in letters, of their brethren in all parts of the kingdom, that the present request solicits the attention of Parliament.

With the permission of the House, I will read to them two resolutions which constitute, in the present business, the principal proceedings of the delegates.

“ At a general meeting of the deputies of three denominations of Dissenters, held at Dr. Williams’s Library, Redcross-street, London, on Friday the 5th of January, 1787, to consider of an application to Parliament, for the repeal of the Test and Corporation Acts.

“ Edward Jefferies, Esq. in the chair.

“ The question being put and fully debated, it was thereupon

“ Resolved unanimously, That an application be made to Parliament for a repeal of the Corporation and Test Acts, so far as they concern Protestant Dissenters.

“ Resolved also, That it be referred to the Committee, to take the most effectual measures for carrying the above resolutions into execution.

“ At a meeting of the Committee, held at the King’s-Head Tavern, in the Poultry, on the 2d of February, 1787,

“ Mr. Jefferies in the chair, .

“ Resolved, That the mode of proceeding in the House of Commons, for the repeal of the Corporation and Test Acts, be by motion.

“ Resolved, That Mr. Beaufoy be desired to make the motion for that purpose.”

From these proceedings the House will be convinced how very idle and frivolous those reports are, which intimate that the Dissenters in general do not desire relief.

Thus authorized, I am happy, in the outset of our deliberations, to declare that the grievances of which the Dissenters complain, are of a civil, not of an ecclesiastical nature.

They humbly solicit a restoration of their Civil Rights, not an enlargement of their Ecclesiastical Privileges. It is of consequence that this fact should be distinctly stated, and clearly understood; for the very word Dissenter leads so

naturally to the supposition that their complaints are of an ecclesiastical kind; and their acknowledged merit as citizens, so naturally excludes the idea of its being possible that the law should have deprived them of any of their civil rights, that I feel myself under a necessity of stating, at the very threshold of the business, that their prayer has nothing ecclesiastical for its object. They wish not to diminish the provision which the Legislature has made for the established church, nor do they envy her the revenue she enjoys, or the ecclesiastical privileges of dignity and honour with which she is invested. If their aim had been to attack the rights of others, and not merely to recover their own they would not have chosen a member of the church of England for their advocate, nor could I have accepted such trust. So far are they indeed from trespassing on the rights of others, that even the restitution of their own they did not solicit till the public tranquillity was completely restored, and till a season of leisure from other avocations had afforded the Legislature a convenient opportunity of considering the hardships by which they are aggrieved. That men of acknowledged merit as citizens, of known attachment to the constitution, and of zealous loyalty to the sovereign, should at no time solicit relief from unmerited disabilities and undeserved reproach, is not to be expected from the Dissenters, for it is not to be expected from human nature. But in praying for that relief, they have chosen the time which they thought the most convenient to Parliament, and the mode which they deemed the most respectful to the House. United in sentiment on this occasion, to a degree which I believe unexampled in any body of men, and hitherto unknown among themselves, and forming in most of the towns of England, a large proportion of the inhabitants, they did not chuse to crowd your table with petitions. They wished to owe their success, not to the number of the claimants, but to the equity of the claim; and they have observed that justice never pleads more powerfully with the House, than when she approaches them accompanied only by her own complete perfections.

The disabilities which the law has imposed on the Dissenters, are contained in the provisions of two acts of parliament, that were passed in the reign of King Charles the Second, and which are generally known by the name of the Test and Corporation Acts.

In the first place, therefore, I shall state what those provisions are.—In the next place I shall describe the periods at which, and the circumstances under which they were severally made. I shall then prove, on the clearest evidence, that the Test Act, which constitutes their most extensive grievance,

grievance, was not levelled against the Dissenters, and that the causes which dictated the Corporation Act have ceased to operate. And lastly, I shall demonstrate on the plainest principles of reason, that the repeal of those provisions would not only be attended with no disadvantage to the state or church, but would bring with it increase of strength to the one, and additional security to the other.

The Corporation Act declares, that no person shall be elected into any corporation office, who shall not, within one year before such election, have taken the Sacrament, according to the usage of the church of England.

The Test Act declares, that every person who accepts a civil office, or a commission in the army or navy, and who does not within the time prescribed by the act, take the sacrament of the Lord's Supper according to the usage of the church of England, shall be disabled in law to all intents and purposes whatever from occupying any such civil office, or from holding any such military commission; and if without taking the sacramental qualification within the time prescribed by the act he does continue to occupy a civil office, or to hold a military commission, and is lawfully convicted, then, Sir, (and I beg leave to intreat the attention of the House to this most extraordinary punishment) then he not only incurs a large pecuniary penalty, but is disabled from thenceforth, for ever, from bringing any action in course of law, from prosecuting any suit in any court of equity, from being guardian of any child, or executor or administrator of any person, as well as from receiving any legacy.

If then the zeal of a Dissenter for the service of his country should have induced him to bear arms in her defence, and to hazard his life in her cause, what return does she make to his patriotism? She strips him of every right which is dear to the man, or honourable to the citizen; for if he is convicted of having fought her battles without the sacramental qualification, she tells him, "your property shall no longer be protected by the law; the very privileges which arise from the private relations of life shall no longer be yours. Has your deceased brother appointed you by his will the guardian of his orphan child?—that trust you shall not execute. Has a near relation bequeathed to you a legacy? has your father left to you his inheritance?—that legacy, that inheritance, you shall never enjoy. Even the property you at present possess, shall no longer be secure; for while to the claims of others upon you the courts of justice shall continue to be open, to your claims upon others they shall, from this time for ever, be inexorably shut. Thus beggared and stript of your

“ all, the vengeance of the law is not yet complete: the
 “ Test Act exacts from you a penalty which, even in a
 “ flourishing state of a soldier’s fortune, might be thought
 “ excessive; and if that penalty is not paid, a prison is your
 “ lot.” Sir, this is not the language of an imaginary law,
 it is the language of one of your statutes; I describe it exactly as it is.—Such is the treatment the Dissenter receives if he embraces the profession of a soldier; a profession which in all ages, and in all countries, has been esteemed the most honourable, and which in many countries, and for many ages, was considered as the chief distinction between the freeman and the slave.

Of similar harshness is the language of the law towards every Dissenter who shall apply himself to the profession of a merchant: “ The town in which you live, may have
 “ owed to you much of its prosperity; yet in the offices of
 “ that town, in the management of its revenues, in the
 “ care of its public concerns, you shall have no participation. The kingdom itself is largely your debtor: you
 “ have extended her trade; you have added to her wealth;
 “ the revenues of her excise are increased by your manufactures; the receipt of her customs is swelled by your
 “ commerce, and many of the seamen, who form the defence and bulwark of the state, were first employed in
 “ your ships, and were trained to the service by your means;
 “ yet in return for these benefactions the act excludes you
 “ from all offices and trusts; its language towards you is,
 “ that of perpetual alienation: though one of the best of
 “ citizens, it deprives you of the common rights of citizenship. Your interest in the happiness of the kingdom
 “ is great; your property in the funds is large; the pledges
 “ of your attachment to the state are the strongest that can
 “ possibly be given; yet the Test Act declares you unworthy of any confidence. Your integrity is unsuspected;
 “ your conduct is without blemish; your rank, in the estimation of all good men, is on the highest level; yet the
 “ Test Act has fixed upon you the same character of reproach, the same stamp of dishonour, the same mark of
 “ rejection and of infamy, which the law has attached to
 “ men who are convicted, publicly and judicially convicted
 “ of being perjured.”

Am I told that the Dissenters may avoid the penalties of the law merely by taking the sacrament? What is this but to say, that they may avoid the disabilities imposed upon Dissenters by ceasing to be Dissenters; that they may escape the disadvantages annexed to their religion by renouncing their religion; that they may relieve themselves from the punishment imposed upon their faith by becoming apostates

to that faith: they do not deserve the insult of such a reply.

Such are the two acts which have imposed on the Dissenters the disabilities and unmerited reproach, from which they humbly, but earnestly, intreat relief: the reasonableness of their request will receive additional strength from the consideration of the circumstances of the two periods at which these statutes were passed.

The Corporation Act was imposed at a time when the kingdom was still agitated with the effects of those storms that had so lately wrecked her peace; but for which the Dissenters of our day are no more responsible than the members of the church of England at this time are for the violences of the Star-chamber, the cruelties of the high Commission Court, or any of the other movements of that despotism which produced the tempest. At that time indeed the Dissenters, as a distinct and separate class from the established church, had not an existence; the Act of Uniformity, which produced the separation, and which created distinctions of a different sort from the sacramental test, not having passed till a later period.

Of the injustice of the Corporation Act, and of the spirit of despotism in which it was drawn, the House will be enabled to judge from the contemplation of one single fact.

The act enables His Majesty to appoint commissioners to administer certain oaths to all mayors, aldermen, common-council men, and other persons bearing any office of magistracy or place of trust in any corporation; and then declares, that the said commissioners so appointed by the King, or any five of them, shall have power, by warrant under their hands and seals, to displace or remove any of the persons aforesaid from the said offices and places, if the said commissioners, or the major part of them then present, shall deem it expedient for the public safety, although such person shall have taken and subscribed, or shall be willing to take and subscribe the said oaths, and to make the said declaration.

Thus the act declares to the magistrates of all the corporate towns in the kingdom; " You are directed to take
" certain oaths, and to subscribe a certain declaration; but
" though you shall be willing to take those oaths, and to
" subscribe that declaration; though you shall actually have
" complied with the law; though you have faithfully fulfilled both the letter and the spirit of the Act, yet the
" King's commissioners, if such shall be their pleasure,
" without a trial, without any charge alledged, without
" the imputation or suspicion of guilt being fixed upon your
" conduct,

"conduct, shall by their warrant remove you from your office."

I wish at all times to express myself in respectful language, when I speak of an act of the Legislature; but a law more unconstitutional than this, more alienate from every principle of public policy, or more repugnant to every feeling of justice, never disgraced the records of the kingdom.

Fortunately, that clause in the act which enabled the sovereign to issue his commission for the removal of magistrates, ceased to operate when the commission expired; but the clause remains uncanceled in our statute books, and is a precedent to future times of the manner in which all corporate rights may be destroyed, if ever the accomplishment of that object shall form a part of the policy of the court. I have quoted it to shew, in what temper, and for what purposes the act which first prescribed a religious Test for a civil office, was originally framed: I have quoted it also to shew that the necessity which, at the time of passing it, was alleged in its defence, must have been then, as it is certainly now, merely fictitious.

Such were the circumstances that marked the origin of the Corporation Act in the year 1661.—Those which accompanied the Test Act were of a different nature. Before I describe them it will be necessary to take notice of another law, which was passed at an earlier period, and of which I have already had occasion to speak; I mean the celebrated act for establishing uniformity of worship in the church. This act was passed in the year 1662: it directs that all ministers shall subscribe the 39 articles mentioned in an act of the 13th of Elizabeth; and shall declare their unfeigned assent and consent to every thing contained in the new book of common prayer. Ruinous penalties and long imprisonment are imposed as the punishment of disobedience.

In consequence of this law, 2000 ministers resigned their livings, and became teachers of separate congregations: a line was drawn that narrowed, while it strongly marked the enclosure of the established church; and numerous descriptions of people, the principal of whom were the Presbyterians, the Independents, and the Baptists, were compelled to distinctness of separation.

The first effect which this complete discrimination produced on the members of the established church, was jealousy and eager suspicion, and determined ill will. But in proportion as experience afforded a surer ground for deciding on the conduct and principles of the Dissenters; in proportion as their peaceful submission to laws of harshness and severity disclosed their attachment to the State; in proportion as they

were

were seen to reject those offers of liberal advantage, by which the Court endeavoured to allure them to an alliance with the Catholics; in that proportion the hostile feelings of the members of the established Church were gradually diminished, and the House of Commons in particular, discovered towards them a disposition of benignity and kindness.

Such was the state of affairs in the year 1672, when the people were alarmed with an apprehension that the Sovereign had formed the design of subverting the established religion of his country. They had long known that his confidential friends were Catholics; that the prime Minister, Lord Clifford, and the King's brother, the presumptive heir to the crown, were of this persuasion; and that the King himself was suspected of having secretly embraced the same hostile faith. But superadded to these different circumstances of alarm, they now saw an army under Catholic officers, in the depth of winter, encamped at the gates of London. A fact so extraordinary, which admitted but of one interpretation, filled their minds with uneasiness and extreme dismay, and in the panic of the first impression, induced the legislature to pass the law that bears the title of an act for preventing the dangers which may happen from Popish Recusants, but which is better known by the shorter name of the Test Act.

The Minister, Lord Clifford, who was himself a Catholic, attempted to persuade the Dissenters to oppose the bill, upon the ground that its provisions were so worded as to extend to them, who were not in any respect the objects of the bill; and that nothing could be so unjust as to subject to the penalties of the law, a description of men who were not within the meaning of the law. The Dissenters admitted the force of the argument, but waved their right to its benefit; and one of the members of the city of London, who was himself a Dissenter, declared, on their behalf, that in a time of public danger, when delay might be fatal, they would not impede the progress of a bill, which was thought essential to the safety of the kingdom; but would trust to the good faith, to the justice, to the humanity of Parliament, that a bill for the relief of the Dissenters should afterwards be passed. The Lords and Commons admitted, without hesitation, the equity of the claim. They considered the debt they had contracted to the Dissenters, as a debt of honour, the payment of which could not be refused; and accordingly a bill for their relief was passed; but its success was defeated by the sudden prorogation of the Parliament.

A second bill was brought in with a view to the same object, though by a different title, in the year 1680; and passed the two Houses in consequence of the same implied compact. But while it lay ready for the royal assent, King Charles the
Second,

Second, who was much exasperated with the Dissenters for refusing to support the Catholics, and who always delighted to obtain the most unwarrantable ends by the most despicable means, prevailed upon the clerk of the crown to steal the bill and overreach the Parliament. The court exulted in the success of the expedient, and thought it a happy way of getting rid of a disagreeable measure. But that relief to the Dissenters which neither the obvious equity of their claim, nor the countenance given to it by Parliament could extort from King Charles the Second, the magnanimity of William the third was impatient to bestow: for, in one of his earliest speeches from the throne, he expressed his earnest hope that such alterations would be made in the law, as would leave room for the admission of all his protestant subjects who were willing and able to serve him.

To what peculiar causes it was owing that so benignant and wise a requisition had not the countenance and support of his Parliament, those who advert to King William's political situation, will be at no loss to determine; for though the circumstances of the times, and the greatness of his own character had placed him on the throne, yet after he was seated there, the strongest party in Parliament was not the party of the Court. A large proportion of those who had invited him to England as their saviour, meant not to make him their sovereign. They resented his advancement; and resolved to disturb his enjoyment of a possession from which they could not exclude him; they opposed, with violence, the measures which he was known to patronize, and among those measures, that union which, on every principle of policy and justice, he was anxious to promote among his Protestant subjects.

Some men, however, there were, and of the foremost rank for greatness of character even in that extraordinary æra, who supported, with unanswerable reasons, the sentiments of their Sovereign; as will appear from a protest in the year 1688, which I will beg leave to read.

The reasons assigned in the protest were, "Because it gives
 " to a great part of the Protestant freemen of England, reason to complain of inequality and hard usage, when they
 " are excluded from public employment by law; and also,
 " because it deprives the King and kingdom of divers men,
 " fit and capable to serve the public in several stations, and
 " that for a mere scruple of conscience, which can by no
 " means render them suspected, much less disaffected to the
 " government.

"Because it turns the edge of a law (we know not by
 " what fate) upon Protestants and friends to the Government,
 " which was intended against Papists, to exclude them
 " from

“ from places of trust, as men avowedly dangerous to our
 “ religion and government; and thus the taking the sacra-
 “ ment, which was enjoined only as a means to discover
 “ Papists, is now made a distinguishing duty among Pro-
 “ testants, to weaken the whole by casting off a part of them.
 “ Because mysteries of religion and divine worship are of di-
 “ vine original, and of a nature so wholly distant from the
 “ secular affairs of public society, that they cannot be applied
 “ to those ends; and therefore the church, by the law of the
 “ gospel, as well as common prudence, ought to take care
 “ not to offend either tender consciences within itself, or give
 “ offence to those without, by mixing their sacred mysteries
 “ with secular interests.

“ Because we cannot see how it can consist with the law
 “ of God, common equity, or the right of any freeborn sub-
 “ ject, that any one be punished without a crime. If it be a
 “ crime not to take the sacrament according to the usage of
 “ the church of England, every one ought to be punished for
 “ it, which nobody affirms; if it be no crime, those who are
 “ capable, and judged fit for employments by the King, ought
 “ not to be punished with a law of exclusion, for not doing
 “ that which it is no crime to forbear.”

Such were the sentiments of the lords, Oxford, Montague, Mordaunt, Wharton, Lovelace, and Paget, expressed at a period that was subsequent to the Toleration Act, which is considered, I find, as having given to the Dissenters the complete possession of all they had a right to claim.

Upon another occasion of a still later date, that of a conference between the two Houses of Parliament, on the subject of the bill for preventing occasional conformity, the Peers, not a few individuals of that assembly, but the whole House, expressed, in language still more emphatic, their abhorrence of the injustice of the Test Act. They declared, that — “ An Englishman cannot be reduced to a more unhappy condition, than to be put, by law, under an incapacity of serving his prince and country; and therefore nothing but a crime of the most detestable nature ought to put him under such a disability.”

Thus we find, that in the judgement of the House of Peers, the laws of exclusion are laws which deprive the freeborn subject of his rights. For every man has a right to the common privileges of the society in which he lives; and among those common privileges, a capacity in law of serving the sovereign, as distinguished from a right to an actual appointment in his service. No man has a right to be actually appointed to an office, civil or military, but the person whom the choice of his Sovereign shall call to that situation; but every subject has a right to be deemed capable of such an appoint-

ment, if his Sovereign shall name him to the trust. No barrister, for example, has a right to claim the situation of a judge; but every barrister has a right to be deemed capable in law of an advancement to that situation, if His Majesty shall name him to the office. No soldier has a right to actual promotion; but every soldier has a right to be deemed capable in law of promotion, if his merits, in the estimation of his Sovereign, shall entitle him to that honour.

On the one hand, therefore, I hope I shall not be understood to say that any man has a right, independently of his Sovereign's pleasure, to be actually appointed to any office civil or military; that would be absurd indeed: and, on the other hand, I equally hope that the right of the subject to be deemed capable in law of a civil or military employment, if His Majesty shall name him to such employment, will not be considered as a privilege of no account.

In the eye of the law, this capacity for the service of the State, is a right of such high estimation, of such transcendent value, that exclusion from it is deemed a proper punishment for some of the greatest crimes. Has an officer, in the civil line of the public service, been detected in a flagrant breach of the duties of his trust? Are his offences so atrocious as to admit of no palliation or excuse? Has he violated his oath, not from ignorance or inattention, but wilfully and corruptly, with full deliberation, and from motives the most profligate? What punishment does the law inflict upon his deliberate perjury? It declares him incapable of serving His Majesty in any office of honour, emolument, or trust; it imposes on him the same species of disability which it inflicts upon the Dissenters. Thus the punishment that is annexed by the law to one of the greatest crimes, the punishment of perjury is inflicted on a large proportion of His Majesty's most loyal and affectionate subjects; not for any crime committed; not for any charge or suspicion of guilt, but for opinions merely; for opinions that have no relation to civil interests; for opinions that weaken none of the obligations which bind the individual to the State; for opinions that diminish none of the motives which urge him as a citizen to a faithful discharge of his duty, but for opinions purely religious.

Is then opinion a proper subject for punishment? Is it a subject upon which the law can justly operate? Deeds, not thoughts; conduct, not belief; are the objects of human authority. The ideas of the mind, the conclusions of the understanding, when not embodied in acts, are beyond the limits of mortal jurisdiction. What is it then which the Dissenters ask—New privileges? Certainly not; but the restitution of a right, a right of thinking for themselves in the speculative

speculative points of the Christian faith, without being subject, on that account, to afflictive penalties of disqualification and dishonour; a right of freedom to the mind, a right as essential to our nature as those rights of existence and of freedom for the body, which, unless forfeited by crimes, our constitution acknowledges to be sacred; and which Blackstone emphatically declares no time, no place, no compact, no authority of Government, can possibly destroy.

Am I accused of an uncandid statement of the law, when I say that it inflicts on Dissenters, unsuspected of offence, the same punishment as on men convicted of perjury? Am I told that the situation of the former is not brought down to the level of the latter, for that there is still a wide difference between them? That there is a wide difference I readily admit; but whence does the difference arise? not from any distinction in the disabilities inflicted by the law, for they are the same to the perjured convict and to the Dissenter, but from the public opinion, which refuses to adopt the injustice of the law, and will not be a party to such an irrational misapplication of punishment. Am I still told that to give to exclusion from offices the name of punishment, is a perversion of language? I answer, the language I use is that which, on the same subject, in speaking of the same men, was employed by the members of the highest judicial Court in the kingdom, the most august tribunal at this time existing in the world: for the House of Peers are of opinion, that disabilities are penalties, that penalties are punishments, and that the particular disabilities to which the Dissenters are subjected by the law, are such as ought never to be inflicted except on the greatest crimes.

To this declaration of the supreme tribunal of the kingdom, I appeal from a strange assertion inconsiderately made, "that the Dissenter who does not chuse to receive the sacrament, is subject to no punishment unless he also transgresses the law." Sir, his punishment is that very exclusion from office which the House of Peers has pronounced to be justly applicable to no crimes but those of the greatest magnitude; an exclusion, from which, unless he chuses to incur those terrible penalties which the criminal justice of the kingdom inflicts upon the outlaw, he has no means of relief. The punishment of the perjured convict, or the still more afflictive punishment of the outlaw, constitute his only alternative.

"But," I am asked, "Does not the act of indemnity, an act which, for the most part, is annually passed, protect from the penalties of the Test and Corporation laws, all such persons as have offended against them?" Sir, if the Indemnity Act does protect from the dreadful penalties of

those statutes, all such persons as have executed civil offices or have held commissions in the army or the navy, without the sacramental qualification, then, what inconvenience can arise from a repeal of the statutes themselves? If, by the annual Indemnity Act, the execution of the law is relinquished, where is the objection to a repeal of the law itself? To preserve the claim to a Test from the Dissenters, when the exercise of the claim is abandoned, may answer the purposes of irritation, but cannot answer the purposes of power. The claim in that case operates merely as a corrosive to a wound that otherwise would heal; it stimulates jealousies that otherwise would sleep; it agitates passions that otherwise would be at rest.

But, in truth Sir, the Indemnity Act does not protect the Dissenters from the Test and Corporation laws; for its only effect is, that of allowing farther time to those trespassers on the law, against whom final judgement has not been awarded. Should, for example, a prosecution have been commenced, but not concluded, the Indemnity Act does not discharge the proceedings; it merely suspends them for six months; so that if the party accused does not take the sacrament before the six months allowed by the Indemnity Act shall expire, the proceedings will go on, and, long before the next Indemnity Act will come to his relief, final judgement will be awarded against him. Thus it appears, that the Indemnity Act gives no effectual protection to the Dissenter who accepts a civil office or military command; for he who cannot take the sacrament at all, cannot take it within the time required by that act. The penalties of the Test Act will consequently follow: he becomes incapable of receiving any legacy, of executing any trust, or of suing in any Court, or on any occasion, for justice: he is placed in the dreadful situation of an outlaw.

Since then the Dissenters have a right as men to think for themselves in matters of religion, and since they have a right as citizens to a common chance with their fellow-subjects for offices of civil and military trust, if their Sovereign should deem them worthy of his confidence, the only remaining question is, does the public good require, do the ends of civil society require that these rights should be superseded, and that the Dissenters should be excluded from the service of the State?

That a regard to the general good controls all other considerations is readily admitted; and therefore all arguments to prove this point, if any such should be urged, will be very superfluous. But then it is equally certain, that considerations of general good can never justify any invasion of civil rights that is not essential to that good: the ends of civil society

society can never justify any abridgement of natural rights that is not essential to these ends. If then I shall be able clearly to demonstrate that the continuance of those acts which invade the rights of the Dissenters, is not necessary to the general good of the kingdom, is not necessary to the well being of the State, is not necessary to the establishment of the national church, then it will follow, as a certain conclusion, that they ought to be repealed. Stronger still will be the argument for that repeal, if I can prove (as I confidently trust I shall) that those acts are not only useless, but are actually pernicious both to the State and church.

To shew how unnecessary, how very useless, the exclusion of the Dissenters from the offices of executive power demonstrably is, it will be sufficient to remark, that to the higher trust of legislative authority the Dissenters are admitted without hesitation or reserve. Of that power which controls the executive, they have, equally with their fellow-citizens, a full and free participation. From the members of this House, from the members of the House of Peers, no religious test is required. Is then the taking the sacrament unnecessary in the Legislators of the kingdom, who hold in their hands the lives and fortunes of their countrymen, and can it be requisite from the Commissioners of the common sewers? Is the profession of a particular faith of more consequence in an exciseman than in a member of the House of Commons? Or must the office of a land-waiter be guarded by other proofs of attachment to the church than those which are deemed sufficient from a Peer. Are oaths without the sacrament an adequate security from innovation, when administered to those who may change the established religion if they will; and are not the same oaths equally sufficient when administered to those who have no power to introduce the smallest alteration?

The advocates for the continuance of the Test Act are reduced to this obvious dilemma. If they say that the State can never be secure unless the test of the sacrament be demanded from the Legislators of the country, experience refutes their assertion. If they say that the security of the State requires from executive officers a stronger pledge than is requisite from Legislators; that it requires a stronger pledge from those who cannot change the established religion, than it does from those who can, the assertion refutes itself.

I have heard of an idle opinion, that there is something of a republican tendency, something of an antimonarchical bias in the very doctrines of the Presbyterian church. In reply to that opinion, if indeed it deserves a reply, I appeal to the principles and practice of the inhabitants of that part of the island in which the Presbyterian church is established by law.

Are the Scots suspected of an indifference to monarchy? Are they accused of an unwillingness to support the dignity and power of the Sovereign? Is the prerogative of the Crown that part of the constitution which they are the least anxious to uphold? I have heard them taxed with a predilection for those maxims of policy which are the most favourable to power; but of levelling principles, of republican attachments, I have never heard them accused.

Or, if we speak of the English Dissenters, who will deny that, from the time that the establishment of William the Third on the throne of England gave her a constitution, (for till then her government scarcely deserved this name) the Dissenters have uniformly acted on principles the most constitutional, and have constantly proved themselves the ardent friends, the active supporters, the firm and faithful adherents of that system of monarchy which was then established by law? Or who will deny, that, from the accession of His Majesty's family to the Crown, no class of his subjects have shewn themselves more fervently attached to the person of the Sovereign? Can these things be admitted, and can it still be asserted that the exclusion of the Dissenters from the service of the Public is necessary or beneficial to the State?

"To the State separately considered," (will probably be the reply) "we acknowledge that the exclusion of the Dissenters cannot be deemed beneficial; but we think their exclusion is essential to the security of the established church." This point therefore is next to be discussed.

In all the controversies I have ever heard on the subject, the persons who object to the repeal of the Test Act, uniformly insist upon a maxim the truth of which I perfectly admit, but which does not bear upon the point, the maxim "that the established church ought not to be destroyed." God forbid that the church of England should be destroyed, or that I should advise a measure of real hazard to her safety. The apprehension arises from a habit of confounding two ideas which in themselves are perfectly distinct: the idea of giving to a particular church a national establishment, and the idea of confining to that church all the offices of executive government. The establishment of a church requires a legal provision for its ministers; but it does not require for its laity an exclusive right to civil and military trusts. The establishment of the church of England consists in her tithes, her prebendaries, her canonries, her archdeaconries, her deaneries, and her bishoprics. They constituted her establishment before the Corporation and Test Acts had an existence; and they will equally constitute her establishment if these acts should be repealed. In Scotland no such laws as
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the Test and Corporation Acts ever had a being; yet who will assert that in Scotland there is no established church? or who will declare, from the history of that church, that she is weakly or imperfectly secured? In Ireland, the relief which is now solicited in this kingdom for the Protestant Dissenters, was granted seven years ago; yet who will say that the established church of Ireland is destroyed? Let me therefore intreat those members of the House who contend that a church establishment cannot be supported without a religious test, to consider for a moment what they undertake to prove. In the first place, they must prove that there never was an established church in England till the 25th year of the reign of Charles the Second. In the next place, they must prove that there is not at this hour, and that there never was, an established church in Scotland; that there is not, and that there never was, an established church in Holland: that there is not, and that there never was, an established church in the dominions of the Empress of Russia, or in those of Prussia or of Hanover: that the Emperor of Germany has destroyed the established church through all his dominions; and that the church of Ireland was annihilated seven years ago.

Thus it appears on the strongest of all evidence, the evidence of facts, that the supposition of the Test and Corporation Laws being necessary to the support of the established church is a weak and groundless surmise. Strength to the church, and not weakness—security, and not danger—I shall prove by unanswerable arguments, will be the consequence of repealing those obnoxious laws; for the different classes of Dissenters have no general interest, no bond of union, no sufficient inducement, to support each other, but that reproachful exclusion from public employments which is common to them all. It is the hardship of being punished without a crime, of being stript of their rights as citizens, without the suspicion of offence, of being placed by the law on a level with those who are perjured: it is this hardship which has given them a common cause. It is their sense of oppression, their resentment for injuries received, their indignation for unmerited disgrace, which has formed the alliance between the Presbyterian, the Independent, and the Baptist, and which has led them to forget their ancient disagreements in the contemplation of their common wrongs.

Persons who know them not, may possibly suspect them of a secret design to invest their own ministers with the possessions of the church; and may imagine that, in that design, a sufficient inducement to mutual amity and a common exertion will continue to exist. Yet the very persons who reason on this ground, even those whose suspicions are the most inveterate,

inveterate, must still admit, that if, in their present situation, the Dissenters are urged by two different passions to wish the ruin of the church, that of resentment for existing oppression, and that of an eager ambition for her wealth, the removal of the first and strongest of the two will take from them their principal impulse: nor can it be denied, that a league which rests on two motives, will be weakened when the most powerful of those motives are completely done away. Whence it follows, that even on the ground which the bitterest opponents of the Dissenters have taken against them, the proposed repeal will increase the security of the church. But those who are at all acquainted with their real principles, perfectly well know, that among those principles, no one is more fundamental than that of keeping their ministers in perfect dependance on the laity, and of excluding them from all power, and from all influence, but that which arises from greatness of talents, eminence in learning, and purity of life: a principle that suggests no possible inducement to clothe them with the honours, or to enrich them with the spoils of the established church.

Thus it appears from the plainest deductions of common sense, that the proposed repeal will remove from the established church the only danger to which it can ever be exposed, that which arises from a close and intimate alliance among those of a different communion; and will consequently unite the two greatest advantages which, on such an occasion, the House, as guardians of the kingdom, can neither obtain nor desire, that of giving satisfaction to the Dissenters, and additional security to the church.

Perhaps I shall be asked, for I have heard such a question agitated, "Will not the repeal of the Test Act admit to offices of magistracy, and to every situation of civil and military trust, men of all professions, men of all possible faiths? May not a Roman Catholic be president of the council? May not a Mahometan, if he happen to be born in England, become an expounder of our laws, and preside in the Court of King's Bench? May not a Jew be made keeper of the King's Conscience; and a worshipper of fire be seated in the Speaker's chair? If the Test Act be repealed, what security will the kingdom have against these strange and preposterous appointments?" To the first part of the question, that which relates to the Catholics, my answer is, the oath of abjuration, the oath of supremacy, the declaration against the doctrine of transubstantiation, (every one of which will remain in full force, though the Corporation and Test Acts shall be repealed) are deemed sufficient in law, and have been found in practice actually sufficient to exclude the Catholics from an admission to either House of Parliament. Many gentlemen of that faith are of great fortune,

tune, and of the highest worth, and therefore of great influence in the country; yet who among them has ever been admitted to a seat within these walls? Some of them are hereditary members of the House of Peers, yet who of their profession has voted in that assembly?

Now, if the oaths, and declaration against an essential doctrine of the Roman faith, have been found sufficient, without the sacrament, to exclude the Catholics from situations of legislative power; situations to which every motive of interest and ambition strongly invites them, can there be a doubt of the sufficiency of the same means to exclude them from the humbler offices of executive authority?

To the second part of the question, "What security, if the Test and Coporation Acts should be repealed, will the public have that persons who are not even Christians, will be admitted to situations of civil and military trust?" My answer is, the same security as before those Acts were passed. Their date, when compared with the age of the kingdom, is but of yesterday: yet, during the many hundred years which had elapsed from the time of the Norman conquest to the passing of those laws, I do not recollect that there is any instance upon record, of a Jew's being Lord Chancellor of England, or of a Musselman's advancement to the Court of King's Bench; or of a worshipper of fire being raised to the dignity of the Speaker's office.—Were there not legal obstacles to their admission to public employments, I should not think that the followers of Moses, of Mahomet, or of Zoroaster, would be the objects of the Sovereign's choice. So many things are entrusted to his discretion, that I should imagine this would not be the way in which the confidence reposed in him was most likely to be abused. But I need not dwell on arguments of this sort, for the oath of abjuration expressly excludes all persons but Christians, as it contains a positive declaration, that he who takes it, swears upon the faith of a Christian. Now this oath, (if I am permitted to proceed with my plan, and to bring in a bill for the purpose) together with the oaths of allegiance and supremacy, and the declaration against the Catholic doctrine, of the nature of the consecrated bread and wine, will be required from all persons admitted to civil or military trust.

When, then, I am asked, "If you abolish the test of the sacrament, what new test will you establish in its room;" my answer is, that of the abjuration oath, and of the declaration which condemns an essential part of the Romish creed. The first cannot be taken by the Deist or the Jew, or the professor of any religion but the Christian. The last cannot be taken by the Catholic. Upon this plan then, no person can be admitted to an employment, military or civil, but on two specific conditions.

The one is, that he give the same proofs of attachment to the state; the same pledges of fidelity for the discharge of an executive office, which is deemed sufficient in the members of the House of Commons, and in those of the House of Peers, for the faithful discharge of legislative trusts.

The other is, that the Sovereign shall have sufficient confidence in his probity and merit, to select him from his fellow-citizens, as worthy of an employment in his service — On these conditions, what danger of improper appointments can possibly arise? The offices to which the Dissenter will be admitted are merely executive, to which no legislative authority, no power of altering, in the least degree, the laws or religion of the country is attached; and from which, generally speaking, without any proof of offence, or any reason assigned, he may be removed at the pleasure of his Sovereign. — I hear it said, “but what if we cannot trust the Sovereign? what if the chief magistrate himself, from an enmity to the church, or a wish to new model the state, should call the Dissenters to his aid, and invite them to execute his scheme?”

Sir, the attempt which is thus supposed has actually been made; the circumstances which are thus imagined have actually existed: for, till the 25th year of Charles the Second, the Test Act had not a being; and for some years before that time, it suited the purposes of this monarch to invite the Dissenters to his service, in which he hoped that, as a persecuted people, sheltering themselves under his protection, they would favour the designs he had formed against the laws and established religion of his country. Entreated with earnestness to the sunshine of favour, the gates of the palace were thrown open to receive them. All that could please the vanity, or gratify the interest, or flatter the ambition of men, was profusely offered on the one hand, while on the other were shown them, scorn and ignominy; every hardship which law, wrested from its purposes by the hand of power, could impose, or that the persecuting statutes of Elizabeth could inflict.—Penalties that could rob them of their all—bonds too, and stripes, and the misery of a dungeon, where existence, by slow and lingering means, pines itself away—they were told to take their choice.—In this trying situation, in this dangerous alternative, the severest proof to which virtue can be exposed, their country saw with what unshaken fortitude, with what constancy of mind, with what steadfast resolution they uniformly sustained their part. Unseduced, unterrified, they rejected with scorn, the offers of the Court, and quietly resigned themselves to those fetters, and to that imprisonment from which, generally speaking, the hour of release was the same, which conveyed them to their graves.

The zeal of the Dissenters for the constitution of their country, is, then, undisputed; “but why,” (say those who
I object

object to their relief) “why should we hazard any change in our laws? are we not in possession of inestimable blessings? does not the nation flourish in prosperity? have we not the experience of an hundred years of happiness in favour of this statute?”—I answer, the prosperity you describe is tainted with injustice: the happiness of one part of the people is polluted by the oppression of another: there is no equality in this distribution.—The Spaniard, who receives his annual returns from the labour of the Indians in his mine, (I purposely describe a case which, in its circumstances, is widely different from the present, the better to demonstrate the tendency of that principle which is common to them both) the Spaniard, when he hears the complaints of those unfortunate Peruvians, may answer, “Is not the nation prosperous; does not the nation flourish? have we not enjoyed the blessing of a long repose from the disasters that once afflicted the empire? why then do these people complain? ’Tis true we have robbed them of many of their rights, but we have not deprived them of all. Are not many of the comforts of life still theirs? and on certain days of the year, which they believe to be holy, do we not permit them to worship, in their own way, the Being they adore? they ought to be satisfied; let us not hear of their complaints.”

This language of the Spaniard, however different the circumstances that give rise to it is founded, I repeat the assertion, on the same principle on which the prayer of the Dissenters is opposed; for that principle is oppression, and if one degree of oppression may be defended, another degree of it, under different circumstances, may be defended also.—Justice is a narrow path across an unlimitable ocean; he who quits her eternal line, whether the distance at which he leaves it be great or small, will equally find that there is no resting place on which his wearied reason can long repose.

“But if justice be the principle upon which you decide, shall not the Catholics partake of its benefits? Shall not they as well as the Dissenters enjoy the advantage of those common privileges of citizenship which you describe as the unquestionable right of all?” I answer, without hesitation, if the Catholics can prove, that though they are of the Church of Rome they are not of the Court of Rome.—If they can give a sufficient pledge of loyalty to the sovereign, and of attachment to the laws and constitution of their country (questions which at this time we are not called upon to decide, and which therefore I mean not to discuss) I do think they ought to be admitted to the civil and military service of the state.

One only objection to the proposed repeal, so far as I have heard the subject at any time discussed, still remains to be answered; and that is, “that the proposed relief of the Dis-

"fenters, however juſt in itſelf, may introduce leſs reaſonable requeſts, and may lead to dangerous innovations, for where ſhall the legiſlature make its ſtand? "Where ſhall it mark that limit?" My answer is, Juſtice has marked that limit; ſhe has drawn it with ſo ſtrong a hand, that the moſt inattentive cannot but obſerve it, and the moſt incautious cannot heedleſſly paſs it. The church has a right to her eſtabliſhment, and the Diſſenters have a right to a complete toleration. I uſe the words complete toleration, becauſe, Dr. Paley, the preſent archdeacon of Carlile, in his celebrated ſyſtem of morals, has obſerved, that is a right to which the Diſſenters are entitled, but which, as long as they are ſubject to civil incapacities on account of their religious opinions, it is impoſſible to ſay they enjoy.

Were I to judge from the language I have heard, I ſhould imagine that even that imperfect reſtoration of their rights, which the Act of toleration paſſed by the legiſlature in the reign of King William, has granted to the Diſſenters, is conſidered as a boon to which they had no claim, and which aroſe from pure benevolence. The generoſity of that act is extolled, as if there was a fort of merit in no longer attempting to laſh men into conviction; to fetter their minds by the impriſonment of their bodies; to employ the jailor as a miſſionary of the goſpel; or to commit violence and outrage in the name of the God of all peace.

The Toleration Act reſtored to the Diſſenters (reſtored, not gave) many of their rights, but did not reſtore them all. The privilege of admiſſion to civil offices, and the yet more honourable privilege of hazarding their lives in their country's cauſe, are ſtill unjuſtly withheld. The re-eſtabliſhment of theſe privileges would give that complete toleration which conſtitutes the whole of the Diſſenters' claim. Should they endeavour to overſtep this line, and to encroach on the rights of the eſtabliſhed church, the legiſlature will undoubtedly be called upon to declare, and no man will hold that language with more deciſion and firmneſs than myſelf, "Your prayer is unreaſonable; your pretenſions ſhall be oppoſed." It appears then, that the ſuggeſted repeal is not the commencement of a new plan, but merely the completion of that wiſe ſyſtem of toleration which, in part, has long ſince been adopted. The Corporation and Teſt Acts are all that remain of the perſecuting laws againſt Proteſtant Diſſenters; for the wiſdom of later times has relinquished ſuch unnatural deſtines. They are the only remaining baſtions of an old fortreſs, which experience has diſcredited, and all other parts of which are either deſtroyed or abandoned.

In moſt of the enlightened nations of Europe, the principles for which I contend are no longer a ſubject of diſpute. In Scotland and in Holland no religious teſt, as a qualification

tion for a civil office, has, at any time, existed. In the Prussian dominions, and in those of the Empress of Russia, no traces of such a test are to be found; in Ireland, and in the dominions of the Emperor, all civil disqualifications on account of religious opinions; are completely done away. In France a similar relief was extended by the edict of Nantz, which, if public report may be credited, is likely to become, in the present reign, a permanent part of the policy of that kingdom; for an opinion prevails there of its not being necessary that a Frenchman should be a Catholic, in order to have the privilege of shedding his blood in the service of his country. Shall then England alone adhere to an exploded system which all the other enlightened nations of Europe, upon a full conviction of its weakness, have already abandoned, or are now preparing to abandon? Shall foreigners still be employed to fight her battles? Shall the Hessian sword again be called upon to protect her from invasion? while so many thousands of her own people, willing to bleed in her cause, and impatient to hazard their lives in her defence, are excluded from her service?

One proof of the absurdity, of the incredible folly of these inhuman statutes, presses so strongly on my thoughts, that I cannot refrain from submitting it to the consideration of the House. The benevolent Mr. Howard; he upon whom every kingdom in Europe, England excepted, would gladly confer, at least, the common privileges of a citizen; and whom the proudest nation might be happy to call her own: he of whom a right honourable member of this House has said, "He has visited all Europe—not to survey the sumptuousness of palaces, or the stateliness of temples; not to make accurate measurements of the remains of ancient grandeur, nor to form a scale of the curiosity of modern art; not to collect medals or to collate manuscripts;—but to dive into the depths of dungeons; to plunge into the infection of hospitals; to survey the manifestations of sorrow and pain; to take the gauge and dimensions of misery, depression, and contempt; to remember the forgotten, to attend to the neglected, to visit the forsaken, and to compare and collate the distresses of all men in all countries:" *he*, even *he* is denied in England the common rights of a subject, he is incapable of legal admission into any office: and the consequence is, that his zeal for his country having led him a few years since to brave the penalties of the law, and to serve her in a troublesome and expensive civil employment, without the sacramental qualification which his religious persuasion would not permit him to take, the penalties of the Test Act are still hanging over him: and I fear that even now, on his return to his native country, amidst

amidst the plaudits of an admiring world, it is in the power of any desperate informer, who is willing to take that road to wealth and damnation which the Legislature has pointed out and recommended to his choice;—I fear it is in the power of every such informer to prosecute him to conviction; and to bring upon him those dreadful penalties which constitute the punishment of an outlaw. God forbid, that in the view of all Europe, such indelible dishonour should be brought upon the British name.

Thus I have stated (too much at large perhaps, but the importance of the subject will plead my excuse) the merits of the Dissenters' case.—I have shewn the nature of those provisions, in the Test and Corporation Acts, from which they supplicate relief; and have described the dreadful penalties which these acts impose.—I have shewn at what periods, and under what circumstances these afflictive laws were passed. I have proved that of the Test Act the Dissenters were not the objects; and that of the Corporation Act, which, for the space of three years, established despotism by law, the alleged necessity has no longer the pretence of truth. I have also proved, that after the proposed repeal all those who cannot take the abjuration oath, which operates as a bar to all but Christians, and make the declaration, which excludes the Catholics, will continue as completely rejected as before: and that even their willingness to give these pledges of attachment to the laws will avail them nothing, unless, in the estimation of their sovereign, their merit shall be such as to render them worthy of an employment in his service. I have likewise shewn, that the repeal will increase the strength of the kingdom, by enabling His Majesty to bring into action the talents and affections of all his Protestant subjects; and that it will also give additional security to the church.

Whoever then shall be of opinion, that the general voice of all the enlightened nations of Europe is deserving of regard. Whoever shall admit that the exertions of the whole kingdom will have greater avail than its mutilated strength—whoever is convinced that union is better than separation; that power is preferable to weakness, and that national justice is the surest ground of national prosperity, will agree with me in thinking that the law which excludes the Dissenters from civil and military employments ought to be repealed. The grievances of two other descriptions of persons whose importance in the community cannot be disputed, and the reasonableness of whose plea is too obvious to require any length of discussion, still remain to be mentioned.

By the Test and Corporation Acts, no native of Scotland who is of the established church of that country, can be
admitted

admitted to any office in England, or to the army or navy in any part of Great Britain, unless he will publicly profess a different religion from his own. Yet the offices of the state are the offices of Great Britain, for the salaries of the persons who fill them are paid by taxes levied on Great Britain. The army too, and the navy, are the army and navy of Great Britain; for in the burden of their payment, Scotland, undoubtedly, bears her part. Hence it is evident, that by the Test Act an English restriction is imposed on a British office; an English restriction is imposed on the British navy; an English restriction is imposed on the army of Great Britain. Englishmen residing in Scotland, are entitled to all the privileges of Scotchmen, for neither the late Chief Baron Ord, who presided in the Court of Exchequer there, nor Mr. Wharton who is one of the present Commissioners of Excise in North Britain, nor any other Englishman who fills a public office in that country, was obliged to renounce the church of England, in order to qualify himself for the trust. It is justly considered as a British trust, and upon it therefore no Scotch restriction is imposed. Why then should the naval or military service of the united kingdoms be fettered with English restraints, or why should English conditions be annexed to the possession of a British office? There is neither common justice nor common sense in the measure.

I have heard it said from a confusion of ideas which is scarcely credible, that to grant a remission in favour of Scotland, of the Test and Corporation Acts, would be a breach of the union; an opinion which supposes, that because, by the articles of the union, nothing can be taken from Scotland, but what was then stipulated, therefore nothing can be given. It supposes that if, in a private bargain, I have engaged to concede certain points to my neighbour, I am therefore bound by that bargain, to concede to him nothing more. It supposes, that if my agreement with him gives me a right of common on his manor, that I violate my compact if I afterwards voluntarily offer him a right of common upon mine.

Are we told that the Test and Corporation Acts are among the statutes which secure the doctrines, discipline, worship, and government of the established church of England, and are therefore by the act of union declared to be unalterable?

Sir, the government and discipline, the doctrines and the worship, of the English church, were the same before the statutes were enacted, and would continue the same if those statutes were repealed; and consequently do not derive their security from them: whereas the act which relates to the patronage of the church of Scotland, and which did seem to
affect

affect its discipline, was held to be no breach of the articles of union; neither was that union understood to be weakened by the subsequent act, which gave a complete toleration in Scotland to Episcopal Dissenters.

When the articles of union were under the consideration of Parliament, a proposal was made in the House of Lords, that the perpetual continuance of the Test Act, and in the House of Commons, that the perpetual continuance of the Act of Corporation should be declared a fundamental condition of the intended union, but the motions were both rejected; a proof that the Legislature did not mean to give to them the same perpetual existence as to the Act of Uniformity, and to the statute that was passed in the 13th of Elizabeth, both of which were specifically named, as conditions of the compact, and expressly declared invariable.

If the Test and Corporation Laws are deemed unalterable parts of the articles of the union, it follows, of course, that every alteration in those laws must be considered a breach of the union, and that every suspension of those laws must be considered as a suspension of the union. Now both the acts are altered, and in part repealed, by subsequent statutes, and, for six months in almost every year, are wholly suspended: But who will assert that the articles of the union are dissolved, or that their obligation on the two countries is suspended for six months in every year? or who will deny that the same power which alters a part may alter the whole of those laws? who will deny, that the same authority which suspends a law for six months, may abolish it for ever?

That many of the natives of North Britain, who are members of its established church, have taken the sacrament as a qualification for naval or military employments, I readily admit; for those men who consider the service of their country as the first of all duties, and their obligation to their Sovereign as the first of all bonds, will make great sacrifices indeed, rather than forego the right of bearing their part in the general defence of the kingdom. But does it therefore follow, that the necessity of making those sacrifices is no hardship? Does it therefore follow, that he who renounces *the religion*, rather than renounce the *service* of his country, has no reason to complain of the alternative? Others of the natives of that kingdom, too much attached to their religious profession to abandon it on any consideration, yet much too ardent for their country to relinquish the satisfaction of engaging in her service, are at this very hour exposed to the penalties of the law, exclusion from the right of receiving a legacy; exclusion from the right of acting as the guardian of a child; exclusion from the right of suing in any court, or on any occasion for justice?

Am I asked how often, of late years, has the law been enforced? My answer is, the lethargy of the law gives no security to the subject; for a hungry informer may, at any time, rouse it to exertion, and direct it to its prey. But though the fierceness of the statute should not be called into action, yet in the insult which is offered to the Scots, in the dishonour of being placed on the same level with men whose claim to confidence is blasted by the crime of perjury established in proof against them—In that dishonour, in that insult, there is no intermission, there is no pause. It is time that these odious distinctions, these hateful signs of difference between the two countries which compose Great Britain, should entirely be done away; and that every scar and seam which mark the lips of her ancient wound, should disappear for ever; and that her offspring should have leave to consider themselves as one nation and one people.

Nothing now remains, but that I should briefly mention the hardships imposed by the Test Act on the ministers of the established church; a class of our fellow-subjects, to whose concerns the members of this House cannot be indifferent.

The law which declares that every man who accepts a commission in the army, or is appointed to a civil office, shall take the Sacrament of the Lords Supper, compels the clergyman to administer this sacrament to every person who shall demand it upon that ground; for, if he refuses, a ruinous prosecution for damages is the obvious and inevitable consequence. The very expence of the trial would probably exhaust his scanty means, and leave him nothing but his body to answer, by imprisonment, the adverse judgement of the court. Since then the law, by menaces too terrible to be resisted, compels him to administer the holy Sacrament to every man who shall demand it as a qualification for an office, in what manner must he proceed; shall he give the invitation in the usual words of the service? “All you that do truly and earnestly repent of your sins, and are in love and charity with your neighbours, and intend to lead a new life, following the commandments of God, and walking from henceforth in his holy ways; draw near, with faith, and take this holy Sacrament to your comfort.”—Considering the motives which bring them to the holy table, such an address might be deemed an insult to their feelings.—Or shall he tell them with a better chance of speaking in unison with their thoughts, “all you that are lately appointed to offices under His Majesty, that do truly and earnestly desire your continuance therein, and are in love with the profits thereof: you that are lately become excise-officers, or custom-house officers, or salt-officers, or officers of the stamps,

“ and have a charitable hope of enriching yourselves with
 “ the spoils of the illicit trader, draw near in faith, and take
 “ this holy sacrament to your comfort, that you may have a
 “ legal title to your places.”

By the duties of his function, by the positive precepts of his religion, the minister is enjoined to warn from the sacred table, all blasphemers of God, all slanderers of his word, all adulterers, and all persons of a profligate life; yet to those very persons, if they demand it as a qualification, he is compelled, by the Test Act, to administer the sacrament, though they come to him drunk from the protracted revels of the night, or warm from the neighbouring stews. And what is the nature of the sacrament which the clergyman is thus compelled to administer? One sentence, one single sentence from the service of our church, with the permission of the House, I will beg leave to read. After having exhorted the persons who are preparing to communicate, “ diligently to try and examine themselves before they presume to eat of that bread, and drink of that cup,” it thus proceeds; “ For, as the benefit is great, if with a true penitent heart and lively faith, we receive that holy Sacrament (for then we spiritually eat the flesh of Christ, and drink his blood; then we dwell in Christ and Christ in us, we are one with Christ and Christ with us) so is the danger great, if we receive the same unworthily; for then we are guilty of the body and blood of Christ our Saviour; we eat and drink our own damnation, not considering the Lord's body. We kindle God's wrath against us, we provoke him to plague us with divers diseases and sundry kinds of death.”

Sir, if there be any thing serious in religion:—if the doctrines of the church of England be not a mere mockery of the human understanding:—If to talk of peace of mind here, and of eternal consequences hereafter, be not the idle babbling of a weak and childish superstition, (and I trust that in the judgement of those who hear me, it will be admitted to be something more) then it will necessarily follow, that no pretexts of state policy can justify this enormous profanation of the most sacred ordinance of the Christian faith, this monstrous attempt, as irrational as it is profane, to strengthen the church of England by the debasement of the church of Christ.

Shall I be told, that the law which enjoins the Sacrament of the Lord's Supper is not more an insult to the Christian faith than the law which enjoins an oath?—A weak and inconsiderate assertion. In what respect is an oath an ordinance of the Christian faith? Do not the Mahometan, the Jew, the Deist, and the Idolator, equally swear? It is not

an ordinance of religion, it promotes none of her interests, is applicable to none of her purposes: for the object of an oath is merely civil, it is a human institution, and is applicable only to concerns that are merely temporal.

I have heard it said, that the law does not compel the clergyman to administer the sacrament to the unworthy. Sir, the terror of the suit for damages, the mere expence of which, independently of the final issue, would be ruin, is itself compulsion. But suppose the reverse to be true, and suppose also that the time at which I am now speaking were a time of war. Our fleet is preparing to sail; the enemy's fleet is already in the Channel; the officer appointed as our admiral, is a man of the highest professional merit, and is called to the command by the general voice of the people.—Debauched, however, in his private life, living in avowed fornication, and notoriously profane—he approaches the holy table; if the Sacrament be administered to him, in what situation is the clergyman? If it be refused him, in what situation is the kingdom?

Such are the preposterous consequences that follow, when religion is perverted from its genuine object, and made the instrument of purposes that are merely human.

I should have thought it not unbecoming in the Bishops to have solicited the removal of this scandal from the church; but let the requisition come from what quarter it may, sure I am, that, as Legislators, a compliance with it belongs to us as a duty; for whatever tends to the debasement of religion diminishes political authority, and weakens the sanctions of civil discipline.

Thus I have shewn the various bearings of these pernicious statutes.—To the judgement of the House, to your wisdom as senators, to your patriotism as citizens, to your feelings as men, I now submit the consideration of the proposed repeal; perfectly convinced that you will not permit the continuance of laws unjust in their principle, unwise in their political effect, inconsistent with all religious regards, and therefore every way hostile to the interests of the state.

Mr. Beaufoy then moved, that an act made in the 13th year of the reign of Charles the Second, entitled “An act for the well-governing and regulating of corporations,” might be read:

And the same was read accordingly.

He also moved, that an act made in the 25th year of the reign of Charles the Second, entitled, “An act for preventing dangers which may happen from Popish recusants,” might be read:

And the same was read accordingly.

He then moved, “That this House will, immediately,

“ resolve itself into a Committee of the whole House, to
 “ consider of so much of the said acts as requires persons,
 “ before they are admitted into any office or place in corpo-
 “ rations, or having accepted any office, civil or military,
 “ or any place of trust under the Crown, to receive the Sa-
 “ crament of the Lord’s Supper, according to the rites of
 “ the church of England.”

Sir Harry
 Houghton.

Sir *Harry Houghton* observed, that whilst he seconded the motion, he felt himself justified in contending that all restrictions were improper; that the church had not any cause whatsoever for harbouring the slightest jealousy, especially as the wish of the Dissenters did not extend beyond the accomplishment of the restoration of their rights and privileges; and that they were entitled to every favour, as having been the constant supporters of the Protestant succession; and zealously united, upon every occasion which had presented itself, for the inviolable maintenance of the interests of their country. At once vulgar and illiberal were those prejudices which induced a part of the Community to affirm that the Dissenters, actuated by ambition, endeavoured to get themselves erected into an independent establishment. — Far from it. They only desired (and surely it was not possible to form a wish more rational and free from objection) to become participators of the civil rights of their fellow subjects, in addition to that religious tolerance which at the present period they enjoyed. Liberality of sentiment and freedom, were doubtless, essential even to the support of the constitution of the country; nor could any man the least versed in the history of the revolutions of various kingdoms avoid recollecting how many dreadful consequences had arisen from the animosities which were the offspring of a difference in religious tenets. The present age had been described as one most eminently enlightened. To give the picture a resemblance, it seemed indispensably requisite to wipe away these animosities for ever.

Lord North

Lord *North* remarked, that (although a sincere friend to the present religious establishment, and even allowed that a complete toleration, in the true meaning of the words, was proper; and that if any actual point remained behind to render the toleration granted to the Dissenters still more complete, it ought to be brought forward) he felt himself under the necessity of opposing the motion. Premising thus much, he trusted that none who heard him could prove so uncandid as to conceive him actuated by a blind and bigotted spirit of intolerance, and illiberally inimical to a freedom of opinion upon religious subjects. If the present motion went no farther than for the fair and free exercise of the rights of conscience, he should be the last man upon earth to deliver an
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opinion against it; but his motive for rising was to act the part of a good citizen, and not to lay any heavy burdens on the consciences of any individual whatsoever. He had heard reports that the Dissenters wished to gain more than civil privileges; but as this suggestion was contradicted by the two honourable members who spoke upon the subject, his doubts on that point were done away, and he gave every belief to the assertion of those honourable gentlemen. He should have been glad if the Dissenters had proceeded in a more regular manner, and stated the grievances under which they laboured, by petition to the House: yet, he was not insensible that great and liberal minds should shew a virtuous eagerness to relieve unasked, to anticipate the wishes of fellow subjects, and when a natural way to act thus laudably was known, it ought undoubtedly to be always adopted. The doors of that House stood open to all petitioners; and if a petition had been delivered, stating their grievances, he doubted not but the justice of the House would have redressed them, if they were really proved so troublesome in their nature. They had, however, chosen to adopt another mode of bringing their case before the House; and they seemed rather to depend upon the weight and abilities of the honourable mover and seconder of the motion, than on the justice of their cause. But he wished, before the House resolved on a vote, to see on what grounds the motion stood. It prayed for the repeal of an act which was the great bulwark of the constitution, and to which we owed those inestimable blessings of freedom which we now happily enjoyed. It recommended procedures contrary to the happy experience of a century—The Dissenters appeared desirous of having such and such privileges granted to them, and a line drawn which they were not to exceed; that line (he was glad to say) was drawn; and concerning what relates to the worship of God in their own way, they have no grievance to state, but their intreaty was to have the restriction from being enabled to fill offices taken off. In the year 1778, a finishing stroke was put to restriction; a general toleration was then granted. If (continued Lord North) there remains any thing which can operate as a burden on any man's conscience, in the name of Heaven let it be done away; but let not the admitting of persons of particular persuasions into the offices of the State be confounded with the restriction of conscience. If this Government finds it prudent and necessary to confine the admission to public offices to men of particular principles, it has a right to adhere to such restriction; it is a privilege belonging to all States; and all have exercised it, all do exercise it, and all will continue to exercise it. If Dissenters claim it as their undoubted, their natural right, to be rendered capable of enjoying offices, and that plea be admitted,

ted, the argument may run to all men. The vote of a freeholder for a representative to Parliament is confined to those who possess a freehold of 40s. or upwards; and those not possessing that qualification, may call it an usurpation of their right, by preventing them from voting also. We are told that other countries have no Test Acts, and that their established churches are not endangered for the want thereof. France has Protestants at the head of her army and her finances; and Prussia employs Catholics in her services; but it must be considered that those are arbitrary Governments; that the King alone in those countries is to be served, and can, at pleasure, remove or advance whom he pleases. The King of England being a limited monarch, can do no such thing; he is bound by those restricted laws as much as his subjects. Holland admits men of all religions into her army, because, not having subjects enough of her own, she is obliged to have recourse to foreign troops; but there is no place where they restrain their civil officers more to the established principles of the country. The same may be said of Sweden. It had been urged, that by the Corporation and Test Acts, any man who refuses to submit thereto, is subject to the same punishment with those who may be convicted of great and heinous crimes; but, that is not the fact; no man, because he does not choose to receive the Sacrament of the Lord's Supper, is subjected to any punishment whatever. The Act holds out punishment to those who fill offices; and they are punished for wilfully flying in the face of an act of the Legislature. If the act went to force every other man to take the Sacrament, or inflict a penalty on him, it would indeed be a grievance, and he would most readily concur in having it repealed. Lord North, next arguing against any indignity being offered to the Dissenters, by not admitting them to offices, unless they qualified by the Test Act, said: Have not the country resolved that no King or Queen should sit on the Throne of the British Empire who refused to comply with the Test Act? If the Throne was offered to any Prince who would not comply from motives of conscience, the refusal of the Throne to him would be offering him no indignity, no insult. Gentlemen should not then lightly talk of insults and dignities thrown on any set of men who do not choose to comply with any particular forms.—If all were to be admitted on the principles of national right, there would be an end to all rules and orders; for no rules could be drawn by the Legislature but what would be broken through. The Corporation Act was made at a time when many disturbances were occasioned by the Dissenters, who were principally instrumental in all the consequences which followed. All who then wished for peace, and for the preservation of the constitution in Church and State, called for
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the measure, which was then, and which he now considered as a wise and political measure; it was and is necessary to confine offices in corporations to those who are well-wishers to the established Church. We are called upon by an honourable gentleman (Mr. Beaufoy) to proceed as France has done; but he would rather proceed according to the experience of England, who has enjoyed peace and harmony in the Church by those Acts. It has been said, that when the Test Act was made, the King himself was suspected of being a Catholic, and that the presumptive heir had openly avowed himself a Catholic; that it was not meant to act against the Dissenters, but against the Papists; but he would say that the Parliament who passed it knew how far it extended, they knew that it included both. The Corporation Act clearly meant to exclude the Sectaries, and was not meant to extend to the Papists; but it did exclude both; and when the Parliament passed both those acts, they knew both Papists and Dissenters were included. Charles the Second, we are told, prevented, by dishonourable means, the repeal of those acts; he thought that the repeal was wisely and patriotically refused. It had been the general means of Princes who had particular objects to attain, which they could not do while every sect remained as it was, to endeavour to confound all sects; that when the door of innovation was once opened, they might pass on until their object was gained.—What was the opinion of Parliament at the Revolution? That Parliament was sharpened by the miseries which they had experienced, and by the horror of danger; they deliberately went through all the acts, and repealed every one except the Test Act, which they considered as a mere civil and political regulation; they preserved it, and they thought it necessary for the safety of the Church, and for the preservation of the constitution. By that Parliament, a just line was drawn to the relief of Conscience on one hand, and for the safety of the Church on the other. The Test Act was the corner stone of the constitution, which should have every preservation. King James, when he wished to gain the Prince and Princess of Orange to his views, desired to have their opinion on the propriety of repealing the Test and Corporation Acts. The answer of the Prince of Orange was, that he agreed to the removal of the Corporation Act, but not to the Test Act; and he declared it to be the practice of Holland to confine all civil employments to those who professed the principles of the State, but that the army could not be so restrained, on account of the want of troops. Nothing brought James so speedily to the crisis of his fate as the Test Act, which restrained him, and rendered it impossible for him to fill all offices civil and military with those of his own sect, which he hoped to be enabled to do by gaining the repeal of the Test Act, and then there would have been

an end to all liberty. Tyranny would have stolen silently on, until it had been so deeply rooted as to render all endeavours against it vain. He conceived it to be the duty of every member of that House to prevent that which in a future period might subject the nation to the same dangers which it had before experienced. If the Scots had any hardships, if they had any grievances, they would have been ready enough to have lain complaints before the House, and there were many gentlemen of that country in the House who would be ready enough to state those complaints to the House if any existed. His Lordship then adverted to the union with Scotland, which he looked upon as a most sacred compact, and which ought not to be touched with a rash hand. He contended that the established church was on as sacred a basis, and those who wished for no innovation on the Union, should guard against any attack on the church. Proceeding next to the arguments of the honourable member with respect to the clergy of the church, who were forced to give the Sacrament to all who desired it, Lord North, remarked, that so far from its being the wish of the clergy of England to gain a repeal of the Test Act, they were all alarmed at the intention of proposing the repeal, and were determined to resist it with their greatest strength. Every minister (he continued to observe) is bound by his holy office to refuse the communion to any unworthy person—If he refuses according to law, by law he will be justified; the fear of an action should not prevent a man from doing his duty; if he is right, where can be the fear of an action? He will gain honour, and the person bringing the action will have a considerable expence and dishonour. The clergy are situated now in the same manner that they were before the Test Act; they could then, and they might now, upon proof, refuse the administering the Holy Sacrament of the Lord's Supper to any unworthy or bad character. The Sacrament is administered as a test of being well affected to the church; some test is necessary, and must be taken. If the Sacrament, in many instances, was taken unworthily, he feared that many false oaths were taken; and could that operate as a reason for the abolition of oaths, which, in many cases, are absolutely necessary? The Legislature is not to be answerable for the consequences of the Sacrament being taken unworthily, or for false oaths: and if any other test could be devised to answer the same purposes, he would willingly adopt it. If the plea of birth right is argued, on that ground may Catholics also claim admission. It had been contended that times have changed; that then a Papist was on the throne. Yes, thanks to Heaven! they were changed, but might they not be changed again? It might be said that there was now no danger of Jacobitism: the family was reduced to

two brothers, one of whom being in priest's orders could have no legitimate offspring, and the other was very old. But there might be danger in breaking down the barrier which had heretofore guarded the constitution. They all knew the perilous nature of a cry, "the Church is in danger," and an incendiary watching his opportunity, may cause as great a tumult, and as much mischief by that cry, as by the cry of, "No Popery." Though we owe much to the Brunswic line for the blessings of liberty which we enjoy, much is also owing to the Church for its promotion of harmony, by its submission to the government, and its liberal principles—principles which have encouraged bringing forward the present motion. They found no complaint of ecclesiastical tyranny, no church persecution; let us not then confound toleration of religious principles with civil and military appointments.—Universal toleration was established; let them then be upon their guard against any innovation on the church; the constitution was always in danger when the church was deprived of its rights.

Viscount *Beauchamp* supporting the motion, declared, that he considered the Test and Corporation Acts as persecuting and oppressive. Every act of toleration would decrease bigotry, while persecuting laws only tended to the increase of sectaries: by granting a repeal of those acts no danger to church or state would follow. There never had been a Presbyterian faction with the power of government in their hands; nor could there be any fear of their gaining such power. The Dissenters were a body of meritorious men, men firmly attached to the country, and who ought to enjoy every privilege in common with their fellow citizens; as to the laws in force in Scotland and Ireland, the latter, at least, appeared fully sufficient by the consequences which they had produced, firmly to establish a similar extension of privileges in Great Britain.

Mr. *Smith* (of Clapham) spoke in favour of the motion, Mr. *Smith*. as did

Mr. *Smith*, who remarked, that with respect to the objection advanced against the manner of introducing the motion, and the argument, that the Dissenters should have come forward with petitions stating their various exceptions against the Test Act, it seemed fully sufficient to answer, that the table could not have contained all the petitions which, in such a case, would have been sent up. Amongst the Dissenters there were hardly any dissidents upon this subject; though the most rigid amongst them conceived, that by a repeal of the Test Act the bond of union would be taken away. Charles II. owed his restoration to the Dissenters; but they were weakly credulous, and had not the

precaution to take proper assurances from him for rewarding their services, and therefore after they had served his turn, he neglected them. The number of the Dissenters was of late much decreased; and therefore if the argument that they were formidable to Government could be supported, it must be, that they were formidable from some other cause than their number. Could it be from their superior talents? No—From their favour and means of patronage? No—What advantages then had they? They could not even make an exciseman; they were by no means an object of terror to Government; but, on the contrary, a depressed, persecuted class of men. Mr. Smith then argued, that the receiving the communion as a qualification for offices was prejudicial to the spirit of the established religion, and stated some instances in which the sacrament had been improperly administered, and others in which the minister had been involved in litigation on account of his having refused it to improper persons; and from thence he drew an argument, that a religious test was improper for a political institution.

Sir James
Johnstone.

Sir *James Johnstone* observed, that although he was determined to vote in favour of the motion, he should not presume to give an absolutely decisive opinion upon the subject: it lay between the kirk and the church of England; he knew not which pretended to be in possession of the most unexceptionable religion; but he was sure that the Presbyterian religion was the cheapest in its practice, and consequently the least expensive road to heaven: and seriously, that religion deserved the greatest encouragement which permitted and taught its professors to serve God with a purity of mind towards *him*, and a disinterestedness of heart towards all human nature. The hardships complained of most certainly did not extend in the degree suggested against those who accepted of military employments. He, for his own part, had served in the army; yet without having found it necessary to conform in the manner required: in fact, officers gave themselves very little trouble about the thirty-nine articles, or rather they were ignorant of all article:—except the articles of war.

Mr. Chan-
cellor Pitt.

Mr. Chancellor *Pitt* said, that the very able manner in which this motion had been discussed by the noble Lord in the blue ribband, rendered it unnecessary for him to detain the House a moment upon the subject; yet he could not with decency give a silent vote on such an occasion. He then entered into a discussion of the distinction which it was necessary to make, between a participation of the offices of state and liberty of conscience: he observed, that this was not an application to relieve a class of men from any reproach

proach or distinguished odium, nor from penalties; for the Dissenters were at present in possession of all indulgences: they had nothing to fear, either from the spirit of the religion which we professed, or from the constitution; and the question now to be considered was very different; it was, whether it was or was not expedient to deprive the Legislature of a discretionary power now vested in them? This must be considered as a political power, not the right of the individual; a distinction must be made between political and civil liberty. He then went into a discussion of the difference which obtained in the exercise of these two rights, and from thence made a deduction, that it was impossible to separate the ecclesiastical and political liberties of this country. Mr. Pitt next observed, that there must be restriction of rights in all societies: that all the modes of representation must include or render necessary some mode of qualification. Is a man, said he, to be considered as marked with infamy, because he does not vote for a city, a county, or a borough? The true question now to be regarded is, is there any substantial interest that makes it necessary for one part of the community to be deprived of participation? Certainly this deprivation should not take place, unless there is reason to see substantial inconvenience in the participation. There is another class equally respectable and numerous, whose fears upon this occasion will be alarmed. The members of the church of England, a part of one constitution, will be seriously injured, and their apprehensions are not to be treated lightly. If I were arguing upon principles of right, I should not talk of alarm; but I am acting upon principles of expediency. The church and state are united upon principles of expediency, and it concerns those, to whom the well-being of the state is intrusted, to take care that the church should not be rashly demolished.—The persons who make this application, have already obtained a full right of public teaching and of instruction of children; but they have not a participation of offices: this is what they desire, and if this is granted them, they may obtain an influence in corporations: the benefit is not so immediate to them in counties; there they only mix with the general mass of voters, therefore towns and corporations will be their object. The danger which there would be in their gaining such an influence, has already been pointed out: I will not say that such a danger is probable, though I will not say that it is chimerical; it is reasonable at least to say, that if they saw an opening fairly before them, they would produce changes; there is a natural desire in sectaries to extend the influence of their religion; the Dissenters were never backward in this, and it was necessary

for the establishment to have an eye to them. Mr. Pitt contended that it must be conceded to him, that an established church was necessary. Provision for the ministers was of the essence of church government; but surely the state could not think it expedient to assist them in such an attempt: they (he observed) say, that they meant nothing of that nature by this application; but I must look (he added) to human actions to find out the springs that move them. There are some Dissenters who declare, that the church of England is a relic of Popery; others, that all establishments are improper. This may not be the opinion of the present body of the Dissenters; but no means can be devised to admit the moderate part of the Dissenters, and exclude the more violent: the bulwark must be kept up against all; and I am endeavouring to take every prudent and proper precaution. It has been said, if you grant this, they will soon come to you to grant something more—This will not weigh with me; I will not object to concede what I ought to concede, because I may be asked to concede what I ought not to concede; and yet this concession may be coupled with the danger of being pressed by future demands. As to the argument used about the decreasing the number of Dissenters by consenting to this application, it is a mere speculation. Mr. Pitt next remarked, that an exclusive corporation brought into the hands of the Dissenters was a very different thing from a dissenting member sitting in that House. When a member was chosen by members of the church of England (jointly with Dissenters) he was more likely to come in with principles friendly to the constitution than if he was chosen by Dissenters alone: in this latter case he would play the interest of the Dissenters against that of the established church. Much had been said about the bills of indemnity which were necessarily passed every year: but now, said he, do they recognize that the Test and other Acts are nugatory? They only shew a disposition in Government not to enforce the acts farther than the necessity of the State requires. It was properly argued by the noble Lord in the blue ribband, that the establishment of the church of Scotland stands upon the Union; and surely a Scotch member of this House would not think this a question upon which he ought to vote. The question is, whether we think ourselves justified in parting with this security, unless we are assured that the constitution will not be changed; especially upon such an application as this, which states the Test to be full of all inconveniencies, but proposes no substitute. Mr. Pitt then replied to the arguments which had been drawn from the mischief which would arise from the action against the clergyman of the church of England,

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and observed, that there was nothing in the rubric that supposed a clergyman to be acquainted with all the circumstances of the life of a communicant. The crimes which it was incumbent upon him to object to, must be glaring; nor could it be imagined, that the state could be deprived of the service of an admiral or officer of the navy or army on the ground that they were the most profligate of men, and ought not to be communicants. In discussing this question he said, gentlemen would do well to consider, whether any other Test would not be more objectionable. It is the right of every Legislature and every State to make those tests which they think will be most conducive to the public good; and I cannot vote for the repeal without alarming a great body of the Legislature. I must also enter my objection to those arguments which state, that a seclusion from office, unless certain restrictions founded on the policy of state are complied with, is a punishment in itself. It has been deemed a very necessary and proper measure by those who held and those who now hold a great stake in this country; and I do not see any reason to consider the seclusion of the Dissenters more as a mark of infamy than any other distinction that upholds political government. These were his ideas, retaining which, the Chancellor of the Exchequer observed, that he could still declare that he had the highest opinion of the present race of Dissenters, under all the descriptions which the honourable gentleman who had moved the question had comprehended. A spirit of moderation prevailed, which strongly recommended them to the protection of Government; and so far as the enjoyment of every mental privilege, of perfect toleration, and of complete freedom to serve God according to their conscience, they possessed it in the most ample degree.

Mr. Fox observed, that however he might of late have been charged with the odium of coalition, that odium was not imputable to him that night; yet, if he had heard only one part of the argument of the right honourable member who spoke last, unexplained by the other parts of his argument, he should have found himself in a coalition with him upon the grounds of that argument, viz. that it was right to oppose the repeal of a Test, which shut out Dissenters who would not allow that any establishment was necessary; but the right honourable gentleman had afterwards carried his arguments against all those who had applied indiscriminately. Mr. Fox then asserted, that the general conduct of the Dissenters was praise-worthy, and that in all former times they had been actuated by principles of liberty not inconsistent with the well-being of the State. He then adverted to the argument of the Chancellor of the Exchequer
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respecting the Test, and endeavoured to shew, that religion was not a proper Test for a political institution. With regard to the argument used by the right honourable gentleman to prove that those Acts operated to exclude persons from corporations, though not from sitting in that House, he should contend that they had not that effect; that there were corporations which were entirely filled by Dissenters, and that he knew of two such corporations. The mischiefs in Charles's reign arose not from the Dissenters, but from the governing part of the church of England: he was supported in this assertion by the authority of a great writer, Mr. Locke. The opinions of the heads of the church of England were not to be a rule for the political conduct of that House; for they were as decidedly against passing the bills which that House passed six or seven years ago in favour of the Dissenters, as they were upon the present occasion. In deciding upon questions of that nature the electors of the representatives of the universities were likely to be warped more strongly than the electors of other representatives of that House: this was to be lamented; but he did not mean to cast any reflections upon the motives of their conduct. The church of Scotland had not found a Test necessary there for the episcopalians. The right honourable gentleman had stated, that by this repeal the Dissenters would not be obliged to contribute to the provision of the members of the church of England; it was absurd to argue *that* as a consequence; it did not follow: this motion went only to take off the seclusion of offices. Mr. Fox dwelt some time upon this point: he then asserted, that the argument that there must be one establishment was absurd; two establishments might exist in one government; they actually did exist, and he instanced the church of England and the kirk of Scotland. He confessed that the Test Act did not operate directly as a stigma upon the Dissenters; but at least it carried, and it was a fair argument to say, that the Dissenters will be glad to be excused paying to the maintenance of the church.

Mr. Fox then said, what are you doing to secure the establishment of this constitution? You are taking religion as religion for a Test in politics. He then combated the propriety of such a measure. With respect to clergymen giving or refusing the sacrament he observed, that if the clergyman of the parish refused, he subjected himself to an action; and supposing that he found means to get through the inconveniencies of the litigation, what was the consequence? Why, that having refused the man the sacrament, he had disabled him from being qualified to hold the office; for the man could not take the sacrament from another clergyman.

gyman, and thus there was vested in the minister of a parish a power superior to that of any ecclesiastical court. Mr. Fox then spoke of the principles which had governed the Dissenters in this kingdom, and said, they were persevering and active in their application for redress of their injuries in former times; and if they used the same perseverance now, they could not fail of success; that he would advise them to repeat their applications till the Legislature gave them that specimen they desired. He had considered himself honoured in acting with them upon many occasions; and he thought there was any time in which they had departed from those principles which were inconsistent with the constitution of this country, he should refer that period to a very recent date: indeed: on a recollection of what had been their conduct upon that occasion, the House would at least do him the justice to say, that in supporting them to-day he was not influenced by any very obvious motives of private partiality or attachment, yet he was determined to let them know, that though they could upon some occasions lose sight of their principles of liberty, he would not upon any occasion lose sight of his principles of toleration; he should therefore give his vote for the motion; but at the same time observe, that if there could be any modification of the penalties without repealing much of the act, it might be matter of instruction to the Committee, and perhaps would prove more palatable to the House; yet, as the matter stood at present, the right honourable gentleman opposing the motion might be said, though disclaiming persecution in words, to admit the whole extent of it in principle.

Mr. Chancellor *Pitt* begged leave to assure the right honourable gentleman, in answer to his misstatements, that he could not have been so absurd as to say, that by repealing the Test the Dissenters would avoid being obliged to contribute to the provision for the clergy of the church of England. He had only stated, that if the Test were repealed, it might put the Dissenters into a situation to make other state regulations, which in their consequences might affect that provision: the right honourable gentleman had also, in the first part of his speech, misstated another of his arguments. He had never said, that the persons who now applied were of that description of Dissenters who would not allow that any establishment was necessary: he had only stated, that there were among Dissenters, men who maintained those tenets; he would say whom he meant; they were a class of Dissenters in Cambridgeshire, and he should name the minister of the congregation (Mr. Robinson) as to the persons who now applied, nobody respected them as indi-

Mr. Chancellor Pitt.

individuals more than he did; as a body they had, on many occasions, evinced a disposition to resist the incroachments of arbitrary power, and the nation was under obligations to them for the assistance which had been derived from their zeal and activity; and if he were to name the time in which he conceived that they had given the strongest proof of their regard to the liberties of the country, he should name the very period in which the right honourable gentleman had asserted, that they had lost sight of their original principles.

Mr. F. Mr. Fox confessed, that he had misunderstood those parts of the right honourable gentleman's arguments.

Sir W. Dolben. Sir William Dolben said, that he must beg leave particularly to animadvert upon that spirit of moderation which had been described as the characteristic of Dissenters: that he denied, and he should appeal to a pamphlet written by one of their body, where the contrary was very strongly established; the pamphlet to which he alluded was that which the right honourable gentleman (Mr. Pitt) had been pleased to praise, though he acknowledged he had not seen it; and he begged leave only to trouble the House with one sentence from it. It stated, that their silent propagation of the truth would, in the end, prove efficacious; for they were wisely placing, as it were, grain by grain, a train of gunpowder, to which the match would, one day, be laid to blow up that fabric which never could be again raised upon the same foundation. Such were the doctrines which the Dissenters avowed; and therefore he called upon every man who had any regard for the civil and religious rights of his country, to be cautious how he gave his vote for a question so pregnant with danger.

The question being put, it passed in the negative,

Ayes (including the tellers) 100

Noes (including the tellers) 178

Majority against the motion, 78

The House adjourned.

